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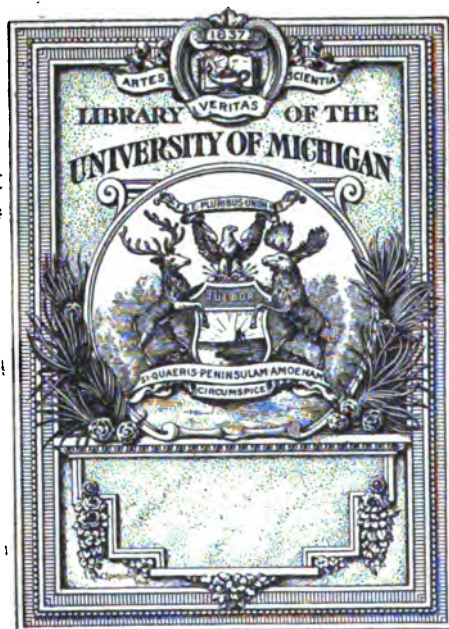
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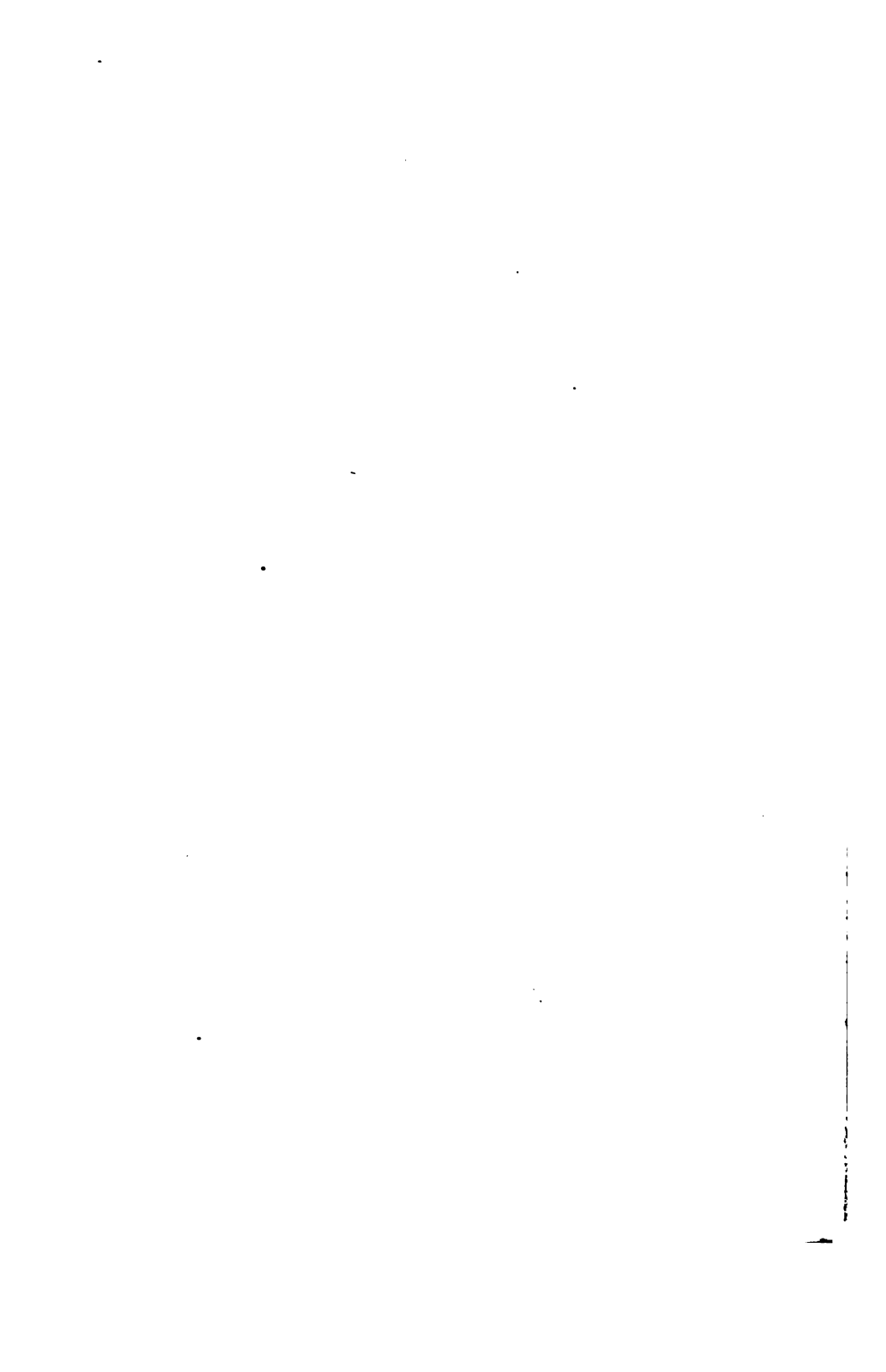


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THE
AMERICAN REVIEW

OF

HISTORY AND POLITICS,

AND

**GENERAL REPOSITORY OF LITERATURE AND
STATE PAPERS.**



— neque enim levia aut ludicra petuntur
Præmia.

Virgil, Lib. xii.

VOLUME III.

**PHILADELPHIA,
PRINTED FOR FARRAND AND NICHOLAS.**

Sold by

Bradford and Read, Boston; Lyman, Hall and Co., Portland; Swift and Chipman, Middlebury, Vt.; D. W. Farrand and Green, Albany; Whiting and Watson, New York; D. Fenton, Trenton, N. J.; Philip H. Nicklin and Co., Baltimore; J. W. Campbell, Petersburg; Maccoon, Tilford and Co., Lexington, Ky.; Morford, Wilkinson and Co., Charleston, S. C.; Patterson and Hopkins, Pittsburgh; Seymour and Williams, Savannah; and by the principal booksellers throughout the United States.

Fry and Kammerer, Printers.

1812.

District of Pennsylvania, to wit:

***** BE IT REMEMBERED, That on the thirty-first day of
SEAL January, in the thirty-sixth year of the independence of the
***** United States of America, A. D. 1812, Farrand and Nicholas
of the said district, have deposited in this office the title of a book, the
right whereof they claim as proprietors, in the words following, to wit:

"The American Review of History and Politics, and General
Repository of Literature and State Papers.

" — neque enim levia aut ludicra petuntur

" Præmia.

Virgil, Lib. xii.

"Volume III."

In conformity to the act of the congress of the United States, intituled, "An act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies during the times therein mentioned."—And also to the act, entitled, "An act supplementary to an act, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

D. CALDWELL,

Clerk of the District of Pennsylvania.

THE fifth number of "the American Review," is now
ed to the public. The undertaking has as yet experienced
indulgence, and will be assiduously prosecuted, in the expec-
tation, that it will not only continue to attract attention, but
finally engage in its support the literary talents of the country.
Were the list of literary contributors such as it might be, or
any way proportionate to that of the subscribers, nothing could
be wanting, to insure the accomplishment of the important
purposes, for which the work was instituted.

Some original matter of considerable interest and value, has
been purposely excluded from the present Number, in order
to allow place, to the documents accompanying the President's
message, which, as state papers, are too important to be over-
looked, and which it was thought preferable to publish in one
body. It is intended to make hereafter, such a distribution of
this journal, as to adapt it to the taste and pursuits, not only of
professed scholars and politicians, but of the more numerous
class of general readers. The correspondence on "France
and England," will be resumed, and a suitable degree of at-
tention given to American literature.

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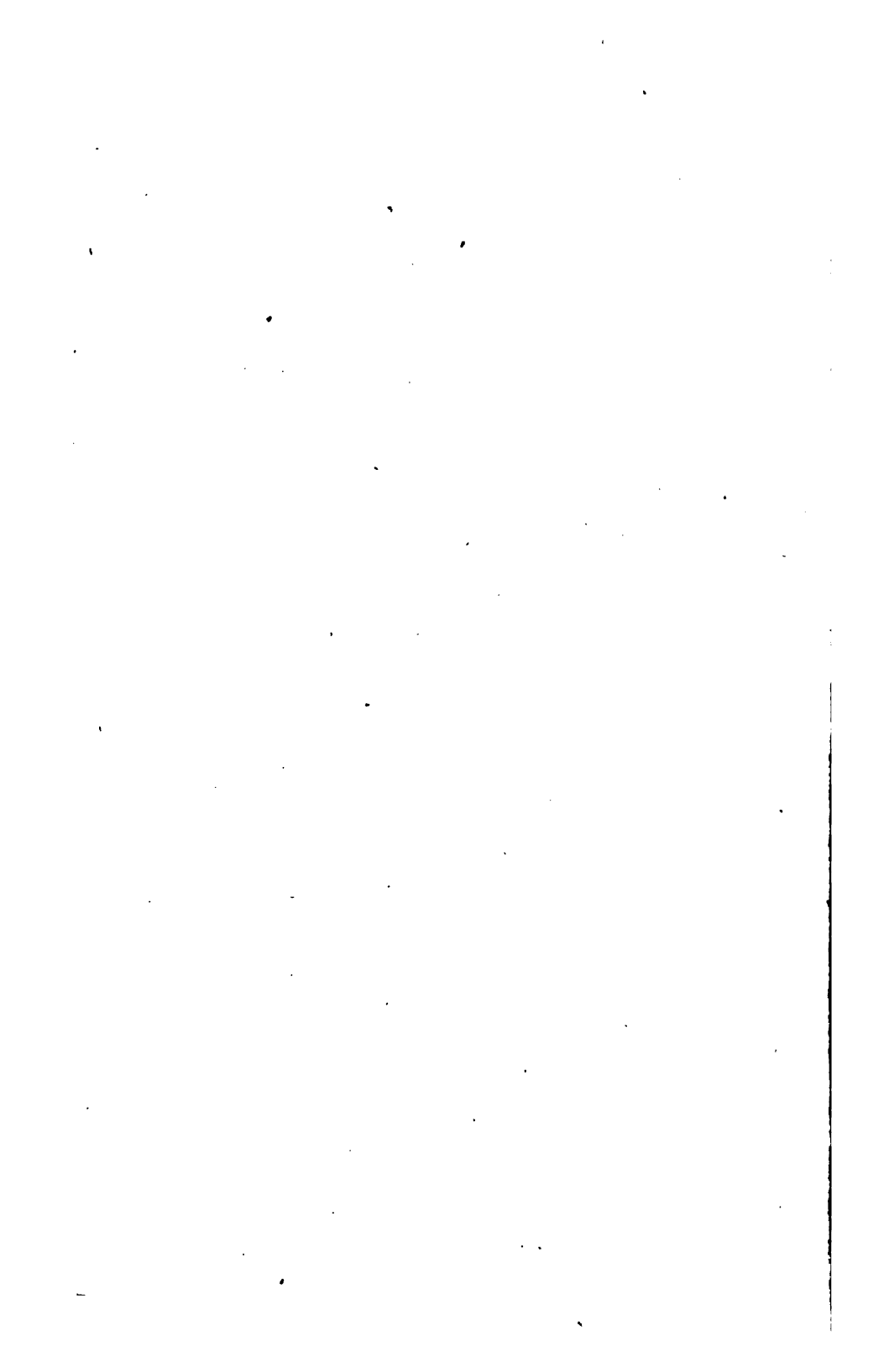
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ADVERTISEMENT.

THE number now given, of the American Review, although stated in the title page to be that of April, properly belongs to the present month; the first number having been published within two months after the proposals were issued. Our engagement with the publishers allowed us an interval of three months after that date; or, in other words, stipulated for no more than four numbers within the year immediately ensuing.

As announced in the advertisement to our last number, the undertaking will not be relinquished, while it appears likely to contribute, to the public good. Although a single individual might not find it too oppressive a task, to furnish alone the materials of the work upon the present plan,—this mode of proceeding would defeat one of the principal objects for which it was instituted, and prove fatiguing for the public, who require not only variety in the choice of topics, but that kind of variety, which results from the division of labour among several hands. The literary men of the country are therefore requested to contribute their aid, particularly by the discussion of subjects of general and permanent interest.

We have given place in our Appendix, to the documents laid before congress, in relation to the pretended mission of Henry. We have done so, not because we consider the correspondence as authentic, or that we attach, in any hypothesis, the slightest importance to the affair in general, except in as much as it serves to illustrate the character of our administration. In this respect it has appeared to us of some consequence, and worthy of being put upon record.

The history of parties wherever they have prevailed, is fruitful in examples of short-sighted cunning, and lying artifice practised by their leaders, in order to maintain popular delusions favourable to ill-gotten power. A more impudent,

and at the same time shallow and contemptible expedient for this purpose, than the disclosure of Henry's correspondence, we have, however, not yet encountered in the annals of any nation but our own, not even in those of the small republics of Italy of the middle ages. As Americans, we are heartily ashamed, of the message of the president of the United States, and the response of the house of representatives, concerning this transaction. We are, too, persuaded that the majority of their adherents throughout the country, sympathize with us in this feeling, and in the wish that the whole business could be for ever buried in oblivion, so degrading is it to the national reputation.

Yet as this cannot be effected, the more it is emblazoned at home, perhaps the better, on account of its tendency to rouse the people to such sentiments, and to such a course of action, as may the sooner efface the stain. Machiavel when speaking of the tricks and cheats,—*inganni, astutie, et arti*,—resorted to by those who were at the head of the civil affairs of the republic of Florence, in order to maintain themselves in the power and esteem to which they were not entitled, remarks, that, those tricks were not less useful to be known than the noble exploits of antiquity, because if the latter kindled a generous emulation in liberal minds, the former fired them with the desire to avoid and spurn such ignominious examples. Upon this principle it is, that we would preserve with care, every part of the history of our administration for the few years past.

May 2d, 1812.

THE
AMERICAN REVIEW

OF

History and Politics.

VOL. III.

JANUARY, 1812.

No. I.

Rapport Historique sur le Progrès de l'Histoire et de la Littérature Ancienne depuis 1789, et sur leur Etat actuel. Présenté à sa Majesté l'Empereur et Roi en son Conseil d'Etat par la Classe d'Histoire et de Littérature ancienne de l'Institut. Imprimé par ordre de sa Majesté. A Paris, 1809.

Historical Report upon the Progress of History and Ancient Literature since the year 1789, and upon their actual condition, presented to his Majesty the French Emperor and King in his Council of State, by the Class of History and Ancient Literature of the Institute. Printed by order of his Majesty. Paris, 1809.

IN the year 1807 the several classes of the French Institute, were ordered by the emperor, to prepare for him, a history of the progress of the branches of knowledge peculiar to each, since the commencement of the French revolution.—This work was accordingly undertaken, and the result of the labours of the learned body submitted to his imperial majesty in 1808, but not given to the world until the ensuing year.—The volume which we announce, contains the report of the third class, and professes to treat much at large, of the advances made, from the epoch just mentioned, in the various departments of literature, to which the attention of the class is exclusively directed.—These are—ancient philology;—the oriental languages;—ancient and modern history,—ancient and modern geography,—legislation and speculative philosophy.

The Report of the first class on the improvements and discoveries during the same interval, in the physical and mathematical sciences, is examined at some length in the twenty ninth number of the Edinburgh Review. That which we have now under consideration, is however, but slightly noticed, and, to judge from the terms employed, was read with very little attention: otherwise the reviewer would not have declared, that he had found in it "great liberality with regard to foreign nations," no more than he would have asserted, had he enjoyed opportunities of personal observation, "that those branches of knowledge which are least favoured by the emperor, and to which his protection is not extended, are at this moment studied in France with great assiduity." The volume before us, deserves, in our opinion, even a more particular examination, than that which has been given to the Report of the first class of the Institute; not only because it contains some very curious, and interesting matter, but also, on account of its superior consequence in a moral and political point of view, the most serious and important of the aspects, under which,—especially in these times,—any subject can be considered. With the cause of English literature, as well as with that of English arms, we believe the highest interests of mankind to be at this moment intimately connected, and we are not without strong suspicions, that the report in question, was chiefly intended by the French ruler, to operate to the prejudice of the literary reputation of his enemy. With these impressions, we hold ourselves in some measure bound to dedicate a few of our pages, to an investigation of the general merits of the work. The passages which we shall translate for our readers, cannot fail to afford them entertainment.

Those who have attended carefully to the character and history of Bonaparte, will not certainly be willing to admit, that, in imposing on the Institute, the task of which we have been speaking, he was actuated by the magnanimous views ascribed to him in the Introductory discourse of the present Report. We cannot think him inflamed with zeal for the interests of science and literature, nor can we suppose, in conformity to the language of the Institute, that in this instance, his object was merely "to have under his view at once the universality of human studies;—to be able thus to appreciate them in their *ensemble* and in their several parts, and thereby to judge of the utility of which they might be rendered productive to the happiness and prosperity of the great family of the human race." The general tenor of the work, and the language addressed to his majesty by the authors, furnish evidence of

motives very distinct in character, from this lofty and refined spirit of philanthropy.

Whoever has resided in France since the accession of Bonaparte to the supreme power, or is in the habit of perusing the French Gazettes, must know it to be among the favourite objects of this extraordinary man, to connect his name with every public institution and transaction of his empire, and to secure its diffusive immortality, if we may be allowed the phrase, by every possible device. For this purpose, the epithet Napoleon is attached even to the most trivial objects of a public nature;—the letter N. stamped in large capital on every public edifice;—the image of the monarch affixed to the coin of the empire, and multiplied indefinitely, in medals, on canvass, in the tapestry of the Gobelins, and by every durable mode of illustration. The policy which aims at this species of celebrity, would naturally prompt him to exact, what the Institute so obsequiously tender in the present work;—“the homage of the sciences, of letters and of the arts;” and in no form more imposing could it be obtained, than in that of a tribute like the one under consideration. Imbued with this idea, which was undoubtedly that of Bonaparte, M. Dacier, the perpetual secretary of the class, exclaims in the introductory discourse, “if Alexander or Augustus had caused the general state of knowledge under their reign to be thus ascertained and exhibited by a body of savans, how much would not this important and noble picture have added to their glory!”

It is understood to belong to the personal gratifications of Bonaparte, as well as to his ambitious policy, to convert the learned of the empire, and particularly the Institute, into officious panegyrists of his character and government; to habituate them to the most tractable and prostitute servility; to break and dastardize the elevated and republican spirit, which a devotion to moral studies rarely fails to engender. The motives for this plan derived from the temper of the individual, and the circumstances under which he reigns, are too obvious to need exposition. Nothing could more efficaciously promote his views on this head, as well as every part of his scheme for employing the agency of science and letters in corroborating his dominion, and embellishing his name, than this general history, wherein the prosperity of all branches of knowledge is industriously traced to his munificent patronage, and the grossest adulation prodigally poured forth, in the name and with the sanction of the Institute, themselves, as it were, the representatives and depositaries of the science and erudition of the whole empire. Our readers may judge of the

pliability of these gentlemen, and of the spirit in which this work was conceived, by some few passages, which we extract, as faint specimens, from the Introductory discourse. Mr. Levesque, the president of the committee draughted to prepare the report, expresses himself thus—

“It is to you, sire, that modern history owes her resurrection, and scarcely has she recovered her voice, when she shows herself worthy of being heard, and capable of proclaiming, *under your auspices*, the soundest maxims of morality; already, exercising her powers upon less memorable themes, she is preparing herself to celebrate one day in a suitable strain. the most illustrious of reigns, and the greatest of nations. Sire, the class has put forth one prayer, which it is their most ardent wish to see admitted, and which their president is charged to lay at the foot of the throne. It is, that these days for ever memorable, in which your majesty deigns to receive the homage of the sciences, of literature and the arts, and to require an account of their situation and progress, may be immortalized by a medal, and recorded in medallic history.”

M. Dacier the perpetual secretary, in speaking of this act of condescension, knows no bounds to the admiration and gratitude of the Institute. “This vast and magnificent conception,” says he, “was, sire, reserved for the genius of your majesty; for that all-powerful genius which hovers over the whole earth, and rules it by pre-eminence of thought, as it might rule it by arms.”—

The following are specimens of the *modest* and *ingenious* compliments tendered by the secretary to his gracious sovereign. “Ancient Ichnography *animated by one look from you*, is about to replace before our eyes, the images too long neglected, of those great men of antiquity, who are your progenitors in glory, and whose sublime and immortal inheritance you have conquered and improved.”—“Our coteremporaries ought to be in a state of mind more favourable for writing history than their predecessors; they have seen so many great revolutions, so many great calamities, so many great creations, such great conceptions, such great actions, —*so great a man*—that every thing which is not truly great, will appear small to them.—From all that they have seen of greatness, they must without doubt have learned to see greatly.”—Such is the *grandiose* tone of the introduction. It is somewhat amusing to contrast the length of this discourse, which consists of twenty pages, as well as the laboured obscurity of its language, with the brevity, and rigidity of the

emperor's reply. "Messrs. the president, secretary and deputies of the third class of the Institute," answers his Imperial Majesty, "I take a great interest in the prosperity of the sciences, and a particular one in the success of your labour. You may always count upon the effects of my protection!"

We have yet to speak, of what we conceive to have been the principal inducement, to the preparation of the Report. The object evidently was, to represent the French empire as the emporium of knowledge and taste;—as the circle within which the human faculties display their highest beauty, and their utmost productive vigor, under the genial auspices of the most enlightened, discriminating, and munificent of patrons. The attention and admiration of his subjects, and of the nations of the continent, were to be attracted to France, as the favourite and appropriate seat of all the muses, while England should be made to present but few claims to notice or consideration, and thus be overlooked and forgotten in the general estimate. In this way, not only was the glory of France to be advantageously consulted, but her rival thrown into the shade. The literary curiosity of the continent was to be confined at home; and the principles and models of the English school were to be excluded from it, or to be restricted to very limited circulation, by the repression—through a partial *basso-relievo* exhibition of their merits—of all desire to investigate them.

The Edinburgh Reviewers speaking of the reports in the aggregate, acknowledge indeed, that more room is occupied by French improvements and discoveries, than by any other; but this, they add, "may be in reality a just allotment; or it may in part be an effect of that perspective, which in intellectual as in visible objects, represents the nearest as the largest, so as sometimes to deceive the justest eye and the most impartial judgment." Had the report of the third class been attentively read, most undoubtedly it would have been excepted from this observation, which in fact is far from being accurate with respect to the others. In this report—*on the moral sciences*—England cuts a very sorry figure, and prefers fewer titles to respect not merely than France, but than Germany, Italy or Holland; an allotment which no man whose researches enable him to form a comparison, can possibly admit to be just, or ascribe merely to national prejudice, or perverted optics in the Institute. No where is any thing like the semblance of justice done to her indisputable pre-eminence in this respect, but in that part of the work, which speaks of the progress and condi-

tion of speculative philosophy, to which we shall advert more particularly hereafter.

In acknowledging the merit of the British in a few branches, wherein it is beyond the limits of any degree of prejudice or impudence to contest their superiority, the authors of the report are careful to add such qualifications and equivalents, as to show but too clearly, the reluctance with which they yield, in any one instance, to the necessity of exhibiting their rivals to advantage. This will be fully exemplified in the course of our remarks on the several sections of the work, but it may not be amiss to cite here, in support of our position, an example or two from which, moreover, pretty certain conclusions may be at once deduced, as to the feelings and views of the writers. In speaking of Persian literature, they make the following acknowledgment. "Almost all that has been done for this literature has been the work of the English, who have enjoyed more means, and have been instigated by stronger motives of interest, in prosecuting the study of the language." They add, after detailing the researches of the French *savans* in the same branch—"We know very well that these labours cannot enter in comparison with those of the British; but they prove at least that the latter would find rivals among us, if we, like them, were seconded by circumstances, and if the government would deign to encourage our efforts." Immediately after, in commencing their notice of Chinese literature, they express themselves thus: "To talk of China is, as it were, to return to our own literary domain; for, the same reputation and superiority which our neighbours have acquired in Indian literature, we also may claim in a literature not less fruitful, and of still more certain antiquity. Without recalling here the immense labours of our missionaries, and the learned researches of the French Academicians, Fourmont and de Guignes, we should at least mention the memoirs concerning the history, the sciences and the arts of the Chinese, by the missionaries of Peking, in fifteen volumes, 4to, of which the three last have appeared since 1789. Those who are acquainted with this collection, which is much more highly appreciated and much more in demand among foreign nations, than among Frenchmen, consider it as worthy of being placed by the side of the Asiatic researches."

Again, after claiming for France a decided pre-eminence, in the department of history over all other nations, and making an enumeration of their principal historians, accompanied by a slight acknowledgment of the defects of each, they hold

the following *disinterested* and *liberal* language. "Let us not ourselves depreciate the merit of our own historians. No writer can combine in the same degree every species of excellence. We must recognize indeed great beauties, and a high degree of merit in the two Scotch historians, Hume and Robertson, and an extensive erudition, with too much philosophical parade, however, in their countryman Gibbon; but, have we not historians whom we may oppose to them, by adverting to the particulars in which each of them has excelled, and especially to that clearness of narrative and propriety of method which so eminently characterize the good French writers?"

"*What secures the victory to us*, is the suffrage of all enlightened nations, and we do not fear or hesitate to repeat what was once written by a man of letters, who has passed the greater part of his life out of France, and chiefly in Germany. "The labours of the Scotch and English in this department are," says he, "known particularly in France, but those of the French, throughout all Europe."—We must observe, moreover, that no people has ever been able to boast of a great number of excellent historians. The Greeks had their Herodotus, Thucydides and Zenophon; the Romans their Sallust, Livy and Tacitus. The ancients inform us that the other historians whose works are lost, were far inferior to these," &c.

The reader might well ask, by what rule of congruity, such invidious comparisons as the foregoing, were introduced into a work, which purports to be a mere history of the progress of the moral sciences, since the year 1789; or why the Institute, in deciding with such egregious modesty and impartiality, in favour of their own pretensions, do not deign to give the name of the "man of letters" whose sagacious observation they adopt as their own; in order that we might have at least some stronger ground of reliance, on his authority in this case, than the mere circumstance, of his having spent a part of his life "out of France, and principally in Germany." Nothing in fact can be—we will not say more undignified—but more ridiculously puerile, than the language which they employ on this subject; nothing more awkwardly managed, and yet more significantly expressive of their object and feelings. Notwithstanding the peremptory assertion of this learned body, it remains, we think, yet to be proved, that all enlightened nations have awarded to the French the palm of history; or, that "the English and Scotch historians are particularly known in France," conformably to the suggestion of the anonymous "man of letters."—The mistake which the authors of the report commit in a subsequent page, when they speak of Gibbon, as celebrated

among the *Scottish historians*, does not very strikingly illustrate that familiar acquaintance, which they claim with the English and Scottish authors of this class, and of which we ourselves saw no evidence while we were in France.—It is a fact notorious to those who have any accurate knowledge of the state of literature, among the several nations of the continent, that the Germans of all others, are the most diligent students, and the best judges, of the good English writers.

This work professes to be merely a report on the progress of history and ancient literature since the year 1789. Its tenor, however, by no means corresponds to the title. It is equally, if not more conversant, about the French productions in those departments of knowledge, of a date anterior to the epoch just mentioned. Whatever French industry and genius applied to history, ancient geography, the oriental languages, &c., has given to the world at any period, is ostentatiously paraded, and insidiously contrasted with foreign labours of the same purport;—of which a very loose and partial mention is at the same time made. It was indeed a matter of necessity for the class, in order to render their survey of the interval to which their researches is ostensibly confined, complete and intelligible, to ascend higher than 1789, and to notice incidentally and in the most general manner, the previous state of erudition throughout the world.—An attentive perusal of the Report must, however, satisfy the reader, that they have taken a most unjustifiable advantage of the limited privilege thus acquired, by publishing, under a delusive title, a set panegyric on their own national merits, and putting forth nearly their whole strength, derived from the efforts of their *savans* during the preceding centuries. This must have appeared an ingenious mode of supplying the evidence in their favour, and the food for the national vanity, which the records of their literature during the revolution, were far from being competent to afford; while, on another hand, it might entrap mankind drawn thus to the contemplation of their former excellence, into a belief of their present superiority. Their real proceeding wears a still more disgusting aspect, when compared with the pretensions which they advance to impartiality, and with such declarations as the following, of which the doctrine is no less *reproachfully* just, than the hypocrisy is detestable. “ If the class of history and of literature believes their own glory to be primarily dependent upon the promotion of the interests of the national renown, they believe it also material for that renown that they should be just towards foreign nations, and it is by bearing, at all times, sincere testimony to their triumphs,

that we acquire the right of recounting those which are obtained at home."

We shall now proceed to notice particularly, the several chapters or divisions of the Report, in the order in which they are given. We shall make extracts wherever we deem the subject matter of sufficient interest, or fitted to yield instruction to our readers. The first section treats of philology, and is written by M. Visconti, who enjoys a great share of reputation in Paris, as a scholar and an antiquarian. The writer restricts the signification of the term philology to "the study of the Greek and Latin writers," and dwells with much emphasis on its paramount utility. His observations on the importance of this study, are eminently just, and coincide fully with our own opinions. They deserve to be quoted at large, and we shall do this the more readily, on account of the erroneous notions which, we fear, are but too common throughout the United States on this subject.—Classical learning is but rare among us, and much under rated, even in those institutions upon which we must almost exclusively rely, for its support and propagation. The Latin is for the most part but superficially and imperfectly taught, and as for the Greek, scarcely any thing more than the mere rudiments of it are any where acquired.

For very obvious reasons it could not be expected, that *philology* would be duly appreciated, or cultivated to any extent, by the American public in general. The state of society in this country, so admirable under many points of view, renders this impossible. We should not therefore be surprised or discouraged at a general ignorance of, and an almost universal indifference about the learned languages;—but this is not all.—The public feeling is not confined to mere apathy. It borders on positive hostility. Numbers are not wanting,—persons even of influence in the community,—who industriously proclaim, not simply the utter insignificance, but the pernicious tendency of classical learning;—and who would proscribe it as idle in itself, and as dangerous to republicanism. At the same time our progress in this pursuit, is far from being in a natural ratio with our advances in other respects.—Philology is in fact even worse than stationary among us, from what cause, whether from the influence of the extraordinary notions we have just mentioned, or from the absence of all external excitements, we will not now pretend to determine.—As we intend to return to this topic more earnestly hereafter, we shall at this time, be satisfied with stating the fact, and claiming the attention of our readers to the following remarks of the Institute.

"The experience of a great number of ages has uniformly demonstrated, that if the models of taste and perfection in letters, models which we owe to the Greeks and to the Romans, who as it were, identified themselves with the former,—were to disappear, the literature of modern nations would decline, and soon fall into a state of degeneracy, from which it might never emerge."

"Neither the knowledge of man, nor that of the rules of grammar or of logic, nor the studies of nature, could compensate for so immense a loss. The art of writing well is not strictly a science, nor is it a mechanical art; the most certain rules are for the most part but negative, and the best writers not unfrequently violate them. What constitutes the great historian, the great orator, the great poet, is a sort of mystery; no idea can be formed on this point, but that which is derived from the examples of excellent works. The *chefs-d'œuvre* of the modern language, all of them, or nearly all, produced by men deeply imbued with the writings and beauties of antiquity, could not supply the place of the latter. The noble and pure original invariably suffers deterioration in the copy, and its effulgent light loses necessarily a part of its lustre in the imitation. The modern *chefs-d'œuvre* are indeed sometimes more regular, and more scrupulously exact in the details than the ancient, but they never bear the same stamp of excellence; and if they deserve in their turn to be cited as models, it is principally on account of the original manner, with which the writers have succeeded in assimilating them, more or less, to the great models of antiquity."

"It is a truth generally admitted, that the case of letters is the same with that of the fine arts, and all artists worthy of the name, concur in believing, that if the remains of Grecian sculpture and architecture were to be lost, if the great collections of ancient monuments were not unremittingly studied by those who devote themselves to the arts, if the casts from the antique were not found in every workshop, the immortal *chefs-d'œuvre* of the Raphaels, the Titians, the Michael Angelos, the Poussins and the Palladios, would not prevent the fine arts from falling into decay, or at least from descending to the level of the Flemish school.—This school would indeed never have risen, to the inferior height to which it attained, but for the indirect influence of the ancient models, upon which the Italian masters formed themselves, and communicated by this means, to the Flemish, a less contracted and less imperfect idea of the arts of design."

"Philology, the name which we give to the study of the Greek and Latin writers, is not only valuable as it serves to preserve them in their purity, and to perpetuate a relish for them, but because it is, moreover, the corner stone of literature. Above all, it is indispensably necessary to history; for it is to philology, that we are indebted for criticism, the torch without which history would lose itself in fable or romance; which sheds light over all the moral sciences; and without which jurisprudence would quickly degenerate into chicanery, and theology into ridiculous and absurd superstition."

"It is not necessary to search far into the annals of the world, to find a striking historical example, how necessary it is for a nation, always to connect with the study of the sciences, that of the true and ancient models of taste, and consequently of philology and criticism. The Arabians, far from impairing the inheritance of the sciences, which they received from Greece and Rome, had, in fact, improved it by fortunate discoveries; but being strangers to philology as well as to sound criticism, their history is but a jumble of puerile or ridiculous tales, full of gross anacronisms which would be scarcely pardonable in poets or novel writers. It was not long before they displayed in their study of the sciences, the same propensity to idle subtleties and to frivolous researches, which occasioned the decline of that study among them. Their literature, although cultivated by an immense number of minds of great fertility and genius, has never furnished a single model for civilised nations."

M. Visconti, after indulging in these remarks on the importance of philology, proceeds to bewail the narrow sphere within which it is cultivated in France, and the total neglect with which it is threatened. His language is in unison with that held by M. Dacier on the same subject, in the Introductory discourse. We shall translate for our readers the precious and important confessions made by the secretary, as they will enable those who concur with Mr. Visconti in thinking philology the corner-stone of general literature, to judge, from unquestionable and conclusive testimony, of its actual condition and future prospects in France. "Your majesty," says Mr. Dacier, "will perceive that France, notwithstanding the political troubles by which she has been agitated, has not, until now, been behind-hand in any of the branches of literature; but it is with great pain that we feel ourselves compelled to remark to you, that several of them are menaced with a speedy, and almost total extinction. Philology, which is the basis of all good lite-

rature, and upon which the certitude of history and the knowledge of the past depend, is now scarcely undertaken by a single individual (ne trouve presque plus personne pour la cultiver). The Savans whose talents still fertilizent its domain, themselves, for the most part, the remnant of a generation which is about to disappear, see springing up around them, but too small a number of men to supply their place."

Mr. Visconti makes an enumeration of the hellenists of Paris, among whom there are some of unquestionable merit, but of the old school, and whose works for the greater part, have been merely *re-printed* since the year 1789. The reputation of most of them is founded upon translations, such as that of Herodotus by Larcher, of Æschylus by Mr. du Thiel, of Plutarch by the Abbe Ricard, and of Thucydides by Mr. Levesque. The versions of Homer by Bitaupe, and Lebrun the late Arch-chancellor of the empire, are mentioned, although they by no means deserve this distinction.

Germany can boast of a multitude of hellenists, of whom Mr. Visconti cites a few of the most eminent, remarking at the same time with great justice, that it would be impossible to name all those, who cultivate philology with success, in that country, and in Holland. Some slight notice is taken of the labours of the Italians in this department, who are represented as almost wholly inattentive to Greek studies.—Mr. Visconti very properly extols the translations of Callimachus and Theocritus, by *Pagnini*, and that of Tyrtæus by *Lamberti*. He speaks of the translation of Homer by Cesarotti in terms of contempt, to which all unprejudiced persons acquainted with the work must strongly object. It is unquestionably better than any French version of the same poet, of which we have any knowledge.

The list of French Latinists given by Mr. Visconti, is meager enough, and comprises no name of any celebrity abroad. He remarks at the conclusion, that "the small number of men who cultivate Latin philology with success in so great an empire as France, proves that this branch of literature languishes there, and that it requires the aid of a powerful hand to be made to flourish." He adds also, that the class to which he belongs, has particularly occupied itself with Latin inscriptions, "since they have been charged by the government with the composition of the series for the medallic history of his imperial majesty the emperor!" Among the Latinists mentioned, there is a Mr. Serra, a Genoese by birth, who is stated to have published in Paris, a Latin history of the two campaigns of

his imperial majesty in the years 1806 and 1807. His style is pronounced to be, pure and classical, and his work estimable.*

Of the hellenists of England, Porson alone is mentioned. Among her Latinists, Gilbert Wakefield and Charles Coombe are said to be the only persons worthy of being cited, while these are declared to be, in their capacity, very far from equaling the merit of their countryman Porson in the Greek.—At the same time, that so much stress is laid on the translations from the ancients, either executed or *reprinted* in France

* The best of the innumerable verses published throughout the French empire, in celebration of the pregnancy of her Imperial Majesty Maria Louisa, is to be found in a Latin poem on the occasion, from a Mr. Lemaire, a professor of Latin in Paris. It is, in our opinion, the most tolerable specimen of Latinity, which the classic literature of France has produced under the new régime. The following passages may afford the reader an idea of its merit as a Latin composition. The poet thus apostrophizes the Empress.

Salve, ô terrarum tu lumen amabile; salvè,
O Germanorum dignissima Filia Regum,
Quæ Reges paritura venis; tu gaudia nostræ
Gentis, et alter amor, jungis cum Patre Maritum.
Sicut ad æstivos pubescens vinea soles,
Pampineis sociat geminas amplexibus ulmos,
Dum gentes hilarem inter se Pæana canentes,
Hospitibus gaudent choreas agitare sub umbris,
Te regnaturam patriis signavit ab astris,
Inter avos Rex pace potens; Rex fortior armis
Theresia, augustoque caput sacravit honore,
Dum nascentem aleret puro Sapiëntia lacte;
Regia te Virtus, Pietas te sancta, benigno
Crescentem fovère sinu, studioque fideli
Certantes, habilem sceptris finxère gerendis.

He afterwards calls up the god of the Tiber and the shades of the old Roman heroes, to contemplate and admire the grandeur and felicity of Napoleon. The prosopopœia is highly poetical, and beautifully expressed.

Fatidicos sensit Tusco sub gurgite cantus,
Sensit et obstupuit priscus regnator aquarum
Tibris; arenoso flavum caput extulit amne;
Cæsareæque iterum sperans ditionis honores,
Venturum ultorem fluctu assurgente salutat.

Hujus in adventum præago agitata tremore
Sponte sepulcra patent: nocte emersère profunda,
Et populi quondam regis sanctique senatûs
Unanimes hodiè manes, radiisque decori,
Per septem geminos tollunt capita ardua montes;
Concillium trabeatum, ingens! stupuère trophæis
Et sceptro insignem, solemnî incedere pompâ
Napoleona suæ rediviva ad moenia Romæ;
Miratique omnes uni succumbere fame,
Ensem fatiferum, et venerabile sidus adorant.

since 1789, no notice is taken of those published in England. With respect to the condition of "philology" in the latter country, not a word is uttered.

It is difficult for persons who are of the class of φιλλολογῆς, and who have given any degree of attention to the state of classical learning generally in England, not to smile at the supercilious mode, in which her merit in this department, is treated by the Institute. Hellenists and Latinists she has without number, equal to any of whom France can boast, and in order to satisfy our learned readers on this head, we need not recite, besides the three names mentioned in the Report, those of Parr, Burney, Whitaker, Dalzel, Gaisford, Bloomfield, Gillies, Mathias, &c. &c. It is true that the editions of the ancient authors given by the British, are neither as numerous nor as valuable as those of the Dutch or Germans, nor have they done as much as the latter, in purifying the text of these authors. The cause of this deficiency is not easily to be explained, and not now material for us to discuss. They have not, moreover, produced as many good translations of the prose-classics, as might have been expected from their profound and almost universal acquaintance with the originals.—This last circumstance is correctly traced by the Edinburgh Reviewers, to the very fact of the wide diffusion of classical knowledge in England. It is justly said in their twenty-second number,* "that almost all who in that country, take any interest in classical subjects, are capable of studying them in the original authors, and that where classical instruction is less generally diffused, translations are more likely to be common."

Notwithstanding the comparative scarcity of English translations of the prose classics, there are very many of considerable merit, and such as the French have not certainly surpassed. We allude to the labours of Melmoth, Hampton, Murphy and Gillies in this line, of Beloe, Smith, Langhorne, Leland, Sir William Jones, &c.—With the exception of the *Georgics* of Virgil by Delille, to which the English one of Sotheby is perhaps not at all inferior, we know of no French version of an ancient poet, which deserves much applause. We need not say what treasures of this kind the British possess, in the translations of Homer, by Pope and Cowper, of Virgil by Pitt and Dryden, of Lucan by Rowe, of Juvenal by Gifford, of Hesiod by Elton, and of the minor Greek and Latin poets by various hands, who have most successfully caught the spirit, and transfused the excellence of their originals.

* Review of Stewart's translation of Sallust.

From the confessions of the authors of this report, our readers must be convinced that classical studies are now at the lowest ebb in France. In England they are, on the contrary, in the highest vigor, and have an importance attached to them, which has even become a subject of complaint and reprehension with many respectable writers, who imagine that they consult the interests of the moral and physical sciences, by decrying the collegiate discipline of their country in this respect. We mention this circumstance in illustration of the extensive prevalence of classical learning among the British, and not because we concur with Mr. Edgeworth and his adherents, to the full extent of their doctrine.* We believe from what we ourselves had occasion to note in England, that too great a share "of time, of labour and of esteem" is bestowed in her public schools, upon the *comparatively* "unimportant business of prosody," but we are not inclined to admit that it is "the cardinal point in English education."† Nor can we suppose, that the effect of this system is so baneful as represented by the Edinburgh Reviewers, particularly when we advert to what is so justly observed by these able critics, in almost the same breath,—“that in every other department, besides the elucidation and purification of the text of the ancient authors,—in mathematics, in physics, in ethics, in politics, in history,—England stands the very first in the list of nations who have accelerated the progress of knowledge.”‡

Anterior to the revolution, ancient literature generally, was studied in France in a more superficial way, and had fewer votaries, than among her neighbours. If this were not a matter of notoriety in the learned world of Europe, we could cite in support of the fact, the authority of Thurot, an eminent hellenist of Paris, educated in the old university of that capital, and who is mentioned with honour by the authors of the present Report, in the section on philology.—In one of his late writings he expresses himself thus—“There is no person who does not see that with respect to the study of the ancient languages, of history and of antiquities, France is far behind her neighbours, the Germans;—not that we have not at present eminent men, in each branch; but there is between us and the Germans, this very remarkable difference, that all the branches of knowledge, which are here the *exclusive attribution of the third class of the Institute*, are, in Germany, an object of study, and instruction in all the universities, and even in a great

* Edgeworth's Professional Education, and the criticism on that work in the Edinburgh Review.

† Edinburgh Review—account of Taylor's Plate.

‡ Ibid.

number of schools of the second order. Let it not, however, be imagined that this inferiority is the result of the interruption of our studies during the course of a sanguinary revolution. The instruction which was received in the university of Paris, twenty-five or thirty years ago, was very far from being as complete, and as solid as it was at the same time, in the universities of Germany and Holland. With us the Greek was much neglected; that criticism of the text of the authors, which is fitted to form the judgment of young students, and to familiarize them with the details of grammar, was scarcely known; even history and the complete knowledge of antiquity, were not objects of particular instruction."

If we substitute the English for the Germans in the first paragraph of this extract, the statement will be equally true. What is in France the *exclusive attribute* of the third class of the Institute, belongs to multitudes in every part of England, and is regularly and successfully taught, not only in the universities and great academies of the latter, but in her inferior schools, and wherever education is attempted in a liberal shape.

The same French writer from whom we have just quoted, has another passage connected with this subject, which we shall also venture to lay before our readers. It will serve to awaken them more fully to the truth of a position, which indeed appears to us almost self-evident;—to wit, that admitting England to have done less for the promotion of classical learning *abroad*,—to have given to the world fewer and less valuable editions and translations of the ancients, than some of the countries of the continent,—this circumstance would not disprove her superiority in scholarship, or the unrivalled excellence of her present system of education, while—with her—classical studies extend as they do, almost to the cottage, and while all the ranks both of active and speculative life are ably filled;—while she reaps from her seminaries, a harvest of intellect, of knowledge and of virtue, superabundantly adequate not solely to supply her absolute wants,—the necessities as it were of the body politic; but to yield the highest glory to which a great nation can aspire;—the richest luxuries which she can covet.—The following extract may likewise lead to the just reflection, that the country in which knowledge is most widely diffused, and most easily obtained, where the true models of taste are most systematically taught, and generally studied, truly enjoys the pre-eminence in literature, although she may not be as rich in original works of first rate excellence, or be able to boast of as many writers of transcendent genius, as her more lucky rivals.

"It may, perhaps be said," says M. Thurot, "that France is infinitely more opulent in original productions of supereminent merit, than Germany, and then asked, what we would gain, since our native literature is already superior to that of the rest of Europe, by giving greater activity at home to the culture of the ancient languages and of erudition."

"To this objection, we may answer, that it is not for those who are endowed by nature with a happy genius or extraordinary talents, that a general system of public instruction is principally necessary, but for the bulk of the individuals to whom it is to be applied. The former, either by the impetus of their own nature, or the particular interest which they inspire, will always find the means of developing the rare faculties with which they are blessed, while the crowd of ordinary minds will languish in ignorance, for want of systematic aid, and means of instruction both numerous and extensive. The literary *chefs-d'œuvre* which constitute the glory of a nation, are not, therefore, in themselves, a proof of the superiority of her public instruction, or her knowledge. And, as it is not the class of superior artists,—those who are able to give the highest degree of finish and perfection to the products of their industry,—that contribute to the wealth of a state, but rather, the body of manufacturing establishments in which a sensible superiority is given to articles of common consumption, over those of the same sort manufactured by rival nations, thus likewise, it is not the works of a certain number of geniuses of the first order, which entitle a people to claim pre-eminence over their neighbours in point of general and extensive knowledge, but, chiefly and properly, the plurality of schools where the elements of sound literature, and of the sciences, are taught by able professors, and after the most approved methods. Doubtless it must be superfluous to insist further on these obvious truths. Moreover, in the age in which we live, it cannot, I imagine, be necessary to demonstrate by any long process of reasoning, to sensible and candid men, that every benefit is to be expected, and no inconvenience whatever to be apprehended, from the diffusion among the mass of the citizens of a great empire, of the greatest possible quantum of light and learning."

At the conclusion of his survey of the progress of philology, M. Visconti points out certain means of reviving and sustaining "good studies," (*les bonnes études*) throughout "the great empire." Among these means are the publication of new and cheap editions of the ancients, the establishment of professorships liberally endowed, in the great cities, &c. He recom-

mends likewise the encouragement of literary travels, and the association of learned men to the foreign embassies of France. These last are points that merit the attention of our own government, which hitherto seems to have overlooked altogether the important objects, of giving eclat to the country, and of making their legations popular abroad, by attaching to them men of an inquisitive character and of liberal studies.—The remarks of M. Visconti may furnish some useful hints.—

“Literary travels performed by young philologists who had given proofs of their learning, and whose object it should be, to visit the principal libraries of Europe and the East, to examine the Greek and Latin works printed and manuscript, and the neglected port folios of a great number of men of letters, in order to collect the literary and historical anecdotes which might be scattered through them, would be an excellent means of reanimating in France the study of ancient literature, and of history. There can be no doubt but that travels for the purpose of discovering monuments and inscriptions, such as those of the English savans, Chandler and Stuart, undertaken at the expense of a private society, would be productive of great benefits to historical erudition, as well as to philology and criticism, which are, as it were, the interpreters of history.”

“*A state will never want for able men in any department of human knowledge, if those men are sure of being employed in useful and honourable offices.*”—

“Men distinguished for their erudition and their historical acquirements, might be called to serve in the diplomatic career. It would not be without advantage if there were uniformly attached to each legation of an enlightened and powerful people, some individual well versed in the history and antiquities, and capable of appreciating the literature, of the country to which the legation might be destined. This would be an additional means of conciliating foreign nations.”—

The second section of the report is devoted to “antiquities,” a subject which can be but of little interest for our readers. We shall therefore merely remark on this section, that it is much too long for its relative importance, and filled up almost exclusively with the history of the French antiquarian labours. The next treats of the literature and languages of the East, and is the work of *M. Silvestre de Sacy*, who is at the head of the French orientlists. The writer has made *the most* of the achievements of his countrymen in this important study, but is at the same time compelled to acknowledge,—reluctantly enough however, and with as many grains of allowance

as possible;—the superior value of the labours of the British in several branches;—in *biblical* literature, comprising the Hebrew, the Syriac, the Chaldaic, &c., and in the Persian, Sanscrit, and Indian or Hindu languages generally.

M. de Sacy claims, as may be seen in an extract which we have already made from this part of the Report, Chinese literature as the peculiar domain of the French *savans*. He states also, with what truth we are not competent precisely to determine, that France can boast of having done as much for Arabian literature, since the year 1789, as all the rest of Europe put together. It has been admitted without hesitation in England and elsewhere, that the most important elucidations of Chinese literature, existing at the period at which M. de Sacy wrote, were due to France; but we are inclined to doubt whether even in this way, she has given any thing to the world, as valuable as two English works recently published, the translation of the Ta Tsinglee Lee, or Penal Code of China, by Sir George Staunton, and Marshman's Dissertation on the Chinese language.—With respect to the character and institutions, social and political, of the Chinese, their customs, &c. the history of lord Macartney's Embassy, by Staunton, and the Travels of Homes and Barrow have yielded a new and abundant stock of information. The superficial account of M. de Guignes the younger, published in 1809, under the title of *Voyages à Peking, Manille, &c.* can bear no comparison with these.

We regret that our limits do not allow us to lay before our readers, an abstract of the interesting narrative which M. de Sacy gives, of his own labours and of those of some of his countrymen in Arabian literature. We must be content with referring the curious to the Report itself.—In the course of his statement he mentions an instance of literary imposition of too singular a nature to be passed over in silence, and which even surpasses in hardihood, the celebrated frauds of Ireland and Chatterton. "The Canon Gregorio of Palermo," says M. de Sacy, "published in that city about the year 1792, in the Arabic and Latin, a compilation of whatever was to be found in the Arabian writers concerning the history of Sicily, with an explanation of the inscriptions which embellish several monuments constructed by the Arabs, during their residence in that island. The success which attended the work of Gregorio, having augmented the desire of the learned to draw from the Arabian writers, further details concerning the history of Sicily, from the time the island fell into the power of the Arabs of Africa, until it was conquered

by the Norman kings, an individual of an enterprising character, but not possessed in a sufficient degree, of the knowledge necessary for the execution of his arduous plan, conceived the project of supplying the deficiency of authentic materials, by fabricating a very copious correspondence between the governors of Sicily, and the Arabian monarchs of Africa, on whom they depended.—The scheme succeeded beyond all probability.—The author of it, the Abbé Vella, whose knowledge of the Arabian extended no further, than the ability to speak the Maltese idiom, published at first in Italian only, with the aid of the government of the two Sicilies, six volumes in quarto, under the title *Codice Diplomatico de Sicilia*, and afterwards a volume in folio, under the title of *Libro del Consiglio d'Egitto*. He did not however mean to stop there; but was printing a second volume at the expense of the Sicilian government, when suspicions conceived and suggested by some of the learned, reached the ears of the king. Mr. Hager who was then at Naples, was commissioned to inquire into the affair, and his report having opened the eyes of the government, the impostor received the reward which he merited."

We shall now pass to the section of history, which opens a wider field for remark and reprehension than any of the rest, and merits a much more ample discussion than our limits will admit.—It is written in a spirit of the grossest egotism, and of the most servile partiality, claiming for the historians of France a monopoly of excellence, and censuring indiscriminately, in such of them as have written since the revolution, whatever is adverse to the genius or supposed preferences of the present government. The authors unmindful of the ostensible scope of the Report, which promises only a survey of the progress of history, since the year 1789, dedicate several pages to a chronological enumeration of the historians of France from the earliest period, accompanied by a suitable panegyric on each, in order to show that France retained at all times "the palm of history."

We have already spoken of the invidious comparison instituted in this section, between their own and the English historians. It may not be without interest for our readers to have before them, the list of those whom they oppose so confidently to the Humes, the Robertsons, the Gibbons, the Clarendons, the Middletons, the Henrys, and the Fergusons. In enumerating their worthies, the Institute are compelled to acknowledge defects in some of them, which, together with others of a more serious nature not suggested, have in fact degraded their works

to a secondary rank, in the estimation of all impartial critics both at home and abroad.

"It was in the eighteenth century," says the Report, "that history was most assiduously cultivated in France, and that our writers distinguished themselves most conspicuously in this department. They have, in general, attracted their readers, by the merit of style, and have displayed more respect for truth, than the majority of their predecessors. We may cite from the number,—without speaking of Montesquieu* and Voltaire, who enjoy so much celebrity for their success in other departments of writing;—Pere Daniel, so estimable under many points of view, notwithstanding the censures which have been so deservedly pronounced upon him;—Velly and his continuators who have excelled Pere Daniel, principally because they were not Jesuits, and because they enjoyed assistance of which he was deprived;—the judicious Abbé Fleury whose work the king of Prussia, Frederick II. did not himself disdain to abridge;—Rapin de Thoiras who made Europe acquainted with the history of England, when the English had no historians of their own;—Pere du Halde, the historian of the Chinese, who is accused, perhaps without reason, of having flattered them;—Rollin, a good writer, but rather too diffuse, and who is sometimes deficient in discrimination;—Dubos and Mably, who took such opposite views of the first ages of the French monarchy;—the Abbe de la Blérierie, who is guilty of some little affectation in his style, and le Beau, who is rather turgid;—de Guignes, who, in his history of the Huns, the fruit of immense labour, has comprised in great part, that of the East and the West;—Raynal, who has spoiled his work by unseasonable beauties, by rash conceptions, and by an almost continual affectation of philosophy;—Désormeaux, more to be commended for his "Abridgment of the History of Spain," than for his history of the House of Bourbon, in which all the princes of that house are metamorphosed into great men;—Mallet de Geneve, the author of a good history of Denmark, preceded by a very useful introduction concerning the history of the ancient people of the North, and particularly the Franks;—Hénault, Pfeffel, Don Clément, historical chronologists;—the Abbé de Condillac, whose "Cours d'Histoire," is so rich in thought;—the Abbé Millot, who succeeded so happily in the art of abridging; and others besides,

* We know not upon what ground it is that Montesquieu can be classed among the historians. As well might the same title be given to Adam Smith or to Warburton.

of whom, a nation less opulent in this respect than we are, and therefore less fastidious, would justly be proud."

Such is the galaxy of historians that, according to the Institute, illustrated France during the eighteenth century, and sustained the ascendancy which she had previously enjoyed, in this species of composition, over the other nations of Europe. Those of our readers, who are capable of estimating, the real merits of Rapin and Raynal, and la Bléterie and de Guignes and the other champions of the French school, and who have had the patience to toil through their verbose, oppressive volumes, must be somewhat unwilling to admit the pretensions, which they are here declared to authorize. The English literature of the last century can in fact produce numbers, superior to these, in almost every leading excellence of historical composition;—a multitude of works, of but inferior repute, and consigned to comparative neglect, on which alone, England, if she did not possess the unrivalled chefs-d'œuvre of Robertson, and the others whom we have enumerated, might found a claim, at least to equality with her neighbour.—The French language can boast of no *truly* philosophical historian; of none that deserves to be classed in the same rank, with the great masters of the Scottish school. Raynal, who has given so lofty an epithet to his history of the two Indies, is execrable in almost every respect; insufferably prolix and declamatory; grossly incorrect and licentious in his narrative; unsound in his political morality; and full of the most extravagant hyperboles of sentiment and theory.

The travels of Anacharsis, by Barthelemi, of which the authors of the Report proceed to speak in some detail, although they acknowledge it to have been published in 1788, is indeed a work of the highest excellence, but cannot properly be said to belong to the department of history.* It is *sui generis*, and unquestionably one of the most beautiful productions of the human mind. Although not without serious defects, it is to be regarded as a masterpiece of elegant literature, communicating the most valuable instruction in a more delectable shape, than any thing that has ever been written on the subject of the ancients.—It is already well known in this country, but never can become too popular, nor be too earnestly recom-

* The celebrated "Athenian Letters" for the first time given to the public at large, in 1798, might, with still greater propriety, be ranked under the head of history. Upon this work less extensive in the design, but perhaps more perfect in the execution, than the travels of Anacharsis, Barthelemi himself, in the Memoirs which he has written of his own life, pronounces a most exalted, and well-merited eulogium.

mended to the attentive meditation of the students not only of antiquity, but of the French language, in which it is a splendid model of diction.

Relegat qui semel percurrit
Qui nunquam legit, legat.

The following is a part of the just eulogium passed upon this work by the Institute. "The author instructs while he amuses the idle man, and affords a pleasant relaxation to the laborious; he instructs even the erudite, either by recalling to them what had escaped their memory, or by showing them certain objects under new aspects. It has been suggested that when he makes the Greeks speak, he often gives them a French air, and manners very nearly French; but it is known to all the learned, that his narrative is but a tissue of passages from Greek authors, interwoven with great skill, and translated with elegance."*

* The description given by Barthelemi, in the twentieth chapter of his 2d book, of the manners and amusements of the Athenians, would strikingly apply to the Parisians.—Whoever has been in Paris, will be immediately reminded of several of the scenes which that capital presents, by the following passages from the chapter of Anacharsis, just mentioned.

"In the intervals of the day, particularly in the morning before twelve o'clock, and in the evening after supper, the Athenians walk upon the borders of the Ilissus and about the city, and enjoy the extreme freshness of the air, and the delightful views which present themselves on all sides; but, in general, they go to the public square which is more frequented than any other part of the city. As it is there that the general assembly is often held, and that the palace of the senate and the tribunal of the first Archon are situated, almost all the inhabitants are attracted thither, either by their own affairs or those of the republic. Many are seen there also merely for past-time, and others because they want some employment. At certain hours when it is freed from the incumbrances of the market, it offers an open field to those who wish to enjoy the spectacle of the crowd, or to mix in it themselves.

"In the vicinity of the square, are shops of perfumers, goldsmiths, barbers, &c. open to all, where they argue loudly upon the interests of the state, relate anecdotes of families, and talk freely of the vices and peculiarities of individuals. From the bosom of these meetings, which the impulse of the moment separates and brings together again without cessation, a thousand ingenious and sometimes biting sarcasms are sent forth, against those who appear upon the walk with a negligent exterior, or who do not fear to display there a revolting arrogance: for this people, fond of raillery to excess, employ a species of pleasantry so much the more formidable, as its malignity is carefully concealed. Sometimes a select company, and instructive conversation are found in the porticoes distributed through the city. This species of rendezvous has multiplied in Athens. Their insatiable love of news, the natural consequence of the activity of their minds, and the indolence of their lives, induces them to mix much with one another.

"This taste so animated which has given them the name of cockneys,* (baudauds) gathers new strength in time of war. Then it is that in public, and

* V. ii. ch. 20. p. 303.

The history of the Roman republic by Mr. Levesque, is mentioned with respect in this section of the Report. We could not read this work with any degree of patience, nor can we speak of it without indignation.—In point of literary execution, it is below mediocrity, and in spirit detestable. With a view of recommending himself to his government—probably at its instigation,—he has attempted to falsify the records of the republican era of Rome, and to blacken the reputation of the illustrious champions of Roman freedom. The reader may judge of the real drift of Mr. Levesque, by the account given of his labours in the Report. "He has," says the Institute,

in private, their conversations constantly turn upon the subject of military expeditions; that they never meet without eagerly demanding if there is any thing new; that the crowds of newsmongers are seen on all sides tracing upon the earth or upon the wall the chart or map of the country where the army may be situated, announcing its success with a loud voice, but carefully concealing the reverse; seeking and exaggerating reports which precipitate the city into the most immoderate joy, or plunge it into the most terrible despair."

We have often been struck with the close resemblance in some points, between the comparative character of the Athenians and Lacedemonians, and that of the French and English. The following extract from the parallel between the former drawn by Thucydides in his first book, will leave the same impression on the reader. The Corinthian deputies are made by the historian to address the Lacedemonians thus—

"The Athenians are a people fond of innovations, quick not only to contrive, but to put their schemes in effectual execution: *Your* method is, to preserve what you already have, to know nothing further, and when in action to leave something needful ever unfinished. *They* again are daring beyond their strength, adventurous beyond the bounds of judgment, and in extremities full of hope. *Your* method is, in action to drop below your power, never resolutely to follow the dictates of your judgment, and in the pressure of a calamity to despair of deliverance. Ever active as *they* are, they stand against *you* who are habitually indolent; ever roaming abroad, against *you* who think it misery to lose sight of your homes. *Their* views in shifting place is to enlarge their possessions. *You* imagine, that in foreign attempts, you may lose your present domestic enjoyments. *They*, when once they have gained superiority over enemies, push forward as far as they can go; and if defeated, are dispirited the least of all men. Whenever in their schemes *they* meet with disappointments, they reckon they have lost a share of their property. When those schemes are successful, the acquisition seems small in comparison with what they have further in design; if they are baffled in executing a project, invigorated by reviving hope, they catch at fresh expedients to repair the damage. *They* are the only people who instantaneously project and hope and acquire; so expeditious are they in executing whatever they determine. Thus through toils and dangers they labour forwards so long as life continues, never at leisure to fully enjoy what they already have, through a constant eagerness to acquire more. They have no other notion of a festival than of a day whereon some needful point should be accomplished; and inactive rest is more a torment to them than laborious employment. In short, if any one adjudging their characters should say, they are formed by nature *never to be quiet themselves, nor suffer others to be so*, he describes them justly."

"denounced those crimes which the Romans, *from a fanatical love of liberty*, had exalted into virtues;—without offering an apology for every part of the conduct of Cæsar, he has refused to applaud the excesses of the faction opposed to him;—but above all, he had it in view to allay the enthusiasm which the Romans inspire, and which he believes to be dangerous, because it is capable of engendering in the minds of men in every age, contempt or disgust for the government of their own country, when it does not resemble that of Rome."—

Thus it is, that after the arms of France have crushed every vestige of modern republicanism in Europe, and are now directed, with infuriate and implacable hostility, against the only free constitution remaining there, her writers are employed in profaning as it were the tomb, and polluting the memory of ancient republicanism; in stripping the illustrious founders and protomartyrs of liberty, of the venerable honours with which they had been invested, by the unanimous consent of mankind, and clothing them in the hideous garb of assassins and robbers, in order that there may be nothing left, either in the example of the old, or in the institutions of the modern world, to inflame the imagination against the hellish dominion of the sword.— Thus it is that history, under the government of Bonaparte, and in the prostitute hands of the French literati, is used not to enlighten, but to obscure and distort the past; not to recommend and canonize virtue, but to seal the triumph, and to prepare the apotheosis of vice.

The only English work on the subject of ancient history, which the Institute condescend to notice, is that of Mitford in relation to Greece. When this respectable writer considers the spirit which dictated the following observations, he will not find himself much flattered by the compliment they are meant to convey. "The author of the history of Greece," says the Report, "has studied his subject well; he has preserved himself from that enthusiasm of extravagant liberty which has made so many writers, *particularly in his own country*, wander from the truth. He omits nothing that is calculated to give us a just idea of the morals, the politics, the manners, and the government of the ancient Greeks; but although he declares himself to be free from prejudice, he may be accused of judging on all points, according to the opinions of his age and of his country."—

The Report indulges in a particular criticism on Mitford, the propriety of which we are inclined to contest. It is as follows:—"He appears to suppose too readily that the Greeks had a federative constitution, which, according to him, was

dissolved at the period of the battle of Mantinea; whereas the Greeks did not conceive the idea of such a constitution until a century after this battle, when the Achaean league was formed."—This assertion of the Institute is much too peremptory. It may indeed be questioned whether the Greeks had any idea of a civil federative union, analogous to our own, anterior to that of Achaia, but there can be no doubt of their having been previously united, in something like a permanent political confederacy.

The dangers to which the northern parts of Greece were exposed from invasion, and the necessity of defending the Peloponnesus from the eastern colonies, led to the establishment and maintenance of the Amphictyonic council, which assumed, even before the Persian war, the character of a general congress, or representative assembly of all the Grecian states. It was undoubtedly in the nature of a permanent diet, charged with the care of the common defence against foreign enemies, and with the preservation of domestic concord. It took cognizance not merely of religious disputes, or of acts of impiety, but of infractions of the law of nations, and deeds of lawless violence between the numerous cities, which acknowledged it as their supreme head, and the depositary of their most important interests.—It was, indeed, at all times deficient in coercive strength, but continued, from the authority which it enjoyed, to be usefully operative as a political magistracy, until, by suffering itself to be too much engaged in religious disputes, it degenerated into a mere synod, and no longer served but as an instrument of ambition or revenge, in the hands of the more powerful members of the league.—The functions of this institution, and its efficient existence for a long period, leave no doubt but that Mr. Mitford and with him Gillies, Barthelemi, and most of the writers who have treated of Grecian history, are right in supposing, that the Greeks understood the theory, and partially enjoyed the advantages, of a federal government, strictly so called, previous to the age of Aratus.—Such a republic as our own, partly federal and partly national, so happily tempered, so nicely compacted, so firmly established, was indeed, never imagined, even by the most speculative of the philosophical statesmen of antiquity; and required, we may venture to say, before it could have been either conceived or established in our own times, so glorious an archetype and so encouraging an experiment as the British constitution.

After giving a long and tedious account of the labours of the French literati on the history of the middle ages, the authors of the Report proceed to survey the progress of modern

history since 1789.—Here again they are almost entirely taken up with the productions of their own language. Muller's History of Switzerland, and Schiller's thirty years war, are the only foreign works introduced to the knowledge of the reader, and these are only named. They must have experienced no small difficulty, in making up such a catalogue of French writers in history since the revolution, as would satisfy in any manner the cravings of national vanity. To eke out a suitable number of pages on this head, they have foisted in a long eulogium on the history of Russia, by Levesque, published in 1781, but *reprinted* at Hamburg in 1800; and a detailed account of the historical writings of Gaillard and Anquetil before the revolution, as introductory to the exhibition of their subsequent and very insignificant labours.—In the notice which they take of Gaillard's history of Charlemagne, they reprove him severely for the unfavourable picture which he has drawn of the private character, and for the censure which he has passed upon the usurpations, of this ferocious conqueror.

It is perhaps known to most of our readers, that Bonaparte is fond of being called "the modern Charlemagne," and has often asserted his right as Emperor of France, to whatever was conquered by the arms of his "predecessor."—The Institute, in the eagerness of their zeal to flatter the pride and support the pretensions of their sovereign, do not fail to improve the opportunity afforded by the mention of Gaillard's work, in order to defend the barbarian hero and his projects, against all vituperation. It is somewhat amusing to see how their servility works, and to trace the operations of the grovelling spirit of adulation, in such phrases as the ensuing.

"The history of Charlemagne is a noble theme; it affords an opportunity of comparing the great man of a barbarous age, with the great man of a civilized one.—Mr. Gaillard has not been happy in all parts of his work; it would seem that an erroneous idea of ancient France has occasioned his principal faults; he mistakes ancient Gaul, for France properly so called, and seems to think, that Charlemagne ought to have been satisfied with the former.—But this was on the contrary, but an acquisition of the Franks. France properly so called,—the true country of that people—was a part of Belgium, and a vast territory to the right of the Rhine as far as Mein.—As Gaillard's principal object in all his works, is to decry war and conquests, and as he appears to have conceived the hope of bringing about a general peace in Europe by his writings, he represents Charlemagne as the unjust aggressor of the Saxons, as

culpably ambitious, &c. and endeavours to inspire us with more interest for the vanquished, than for the hero."

"Mr. Hegewisch, who published his history of Charlemagne in 1791, is more just towards this prince. While Gaillard, a *Frenchman by birth*, fatigues his readers with complaints about the evils, which the Saxons suffered ten centuries ago, Mr. Hegewisch, a *native Saxon*, acknowledges that his ancestors *stood in need of being subjugated*. Charlemagne, adds this judicious historian, protected the agriculture of the people whom he subdued; he gave them laws as good as the age would admit, and scattered over their country fruitful seeds of prosperity. All the nations whom he conquered ought, even now, to pronounce his name with gratitude. It is the great views of Mr. Hegewisch that render his work very superior to that of Mr. Gaillard."

Thus is poor Gaillard shorn of his beams, and postponed to one of the dullest of chroniclers, for the meanness of his spirit in not admiring war and conquests, and his stupidity in not comprehending, that subjection to the yoke of Charlemagne, accompanied by the most cruel oppressions that barbarian conquest could carry in its train, were among the absolute *wants* of the Saxons.

Of the late French historians enumerated by the Institute, there is none who truly merits the name, with the exception of M. de Segur and Mr. de Rulhiere. The *Tableau historique et politique de l'Europe*, by Mr. de Segur, is a production of considerable merit, and worthy of the reputation which the author has established, as an able writer and a sagacious statesman.—In the well known work entitled *Politique de tous les Cabinets de l'Europe*, of which he was the editor, he has made an invaluable accession to the diplomatic history of the eighteenth century. Mr. de Rulhiere obtained early, a respectable place in the ranks of literature, by his "Historical elucidations of the causes of the revocation of the edict of Nantz." He died in 1791, and left behind him, two historical works, one published in 1797, styled "Anecdotes concerning the revolution in Russia, of 1762;"—the other in 1807, under the title of a history of the anarchy and dismemberment of Poland. The first met with considerable success, and was read with eagerness, as the author was an eye witness of the events which he describes, and has reported them with great fidelity. The Institute notice only the last, which was left in an unfinished state, and much corrupted both in the style and sentiments, by the persons into whose hands it fell.—Under these disadvantages it is still to be considered as an

able composition, and to be appreciated as a body of valuable materials, concerning the history of one of the most interesting people of Europe, and one of the most memorable catastrophes known in the political annals of mankind.

The Institute in acknowledging that he displays more talent in this than in the preceding work, still pronounce it to be less honourable to his memory, on account of the spirit in which it is written.—They complain bitterly of the desire which he evinces, to conciliate sympathy in favour of the unhappy Poles, and of the indignation which he expresses against Catherine, for her participation in a crime second only in atrocity as we think to the more recent usurpations of the French government. M. de Rulhiere is accused in the Report, of falling into a contradiction, when he represents the Poles as objects of generous compassion in their struggle against lawless violence, and at the same time admits, that the nature of their government entailed upon them all the evils of anarchy; as if, whatever might have been the vices of their domestic system, their heroic efforts to resist the aggressions of foreign ambition and rapacity, were not to be admired, and their overthrow in that sacred warfare to be for ever deplored.—It is also alleged as an unpardonable defect in the work of M. de Rulhiere, that the perusal of it inspires but a very unsatisfactory sentiment:—that of hatred towards most of the personages whom he introduces upon the stage: as if, again, it were not the paramount duty of an historian, in his capacity of a moral teacher, to hold up guilt of the blackest dye and of the most destructive consequence, to the sovereign detestation of mankind;—as if it were not a trait of primary excellence in any historical work, to be so flamed as to awaken in the mind of the reader, those feelings alone, which nature and justice demand.—The drift of the Institute in their covert apology for the dismemberment of Poland, is sufficiently obvious.*

M. de Toulangeon and Lacretelle the younger,—the first an exceedingly tedious, and the latter a very superficial writer—are the only annalists of the French revolution mentioned in the Report. Nothing is said of the valuable and interesting memoirs of De Bouillé and Bertrand de Moleville, nor of the history of the war of La Vendée published in 1807, by

* We should, however, do the Institute the justice to remark, that they do not stand alone in their doctrines on this head. We confess, with a blush, that they are far outstripped on the same side of the question, by an English author, sir Robert Wilson,—who has just published his “Remarks on the Character and Composition of the Russian Armies.” See p. 14, 15, of his preface for doctrines which any other than an encomiast of Bonaparte, or a declared Machiavelian, should be ashamed to avow.

Alphonse Beauchamp, and which we regard as the best of the productions of the Parisian press, in relation to the affairs of the Revolution.—The narrative is drawn from the most authentic documents, and highly commendable in every respect.

The French revolution affords, without doubt, the finest historical theme that ever exercised the powers of man, the most fruitful in instructive lessons, and magnificent pictures,—the most interesting from the variety, and magnitude of the events.—Some time, however, may probably elapse, before it will be treated, in a manner, suitable to its extraordinary character, and unrivalled importance.—This awful drama is not, in all likelihood, yet brought to a conclusion;—the sword of civil discord, whatever may be the language of the Institute, or of their fellow-courtiers, is, perhaps, not yet sheathed;—the task of promulgating the truth without disguise or colouring, —while the supreme power is in the hands of one, who is himself the offspring, and in some sort the champion of faction, —is too dangerous to be attempted.*

We are not sure that it is to France, that we can ever look, for a good history of her revolution. Elsewhere it will be difficult to obtain the proper materials, and to imbibe the congenial spirit;—a spirit not indeed of party, of national prejudice, of political enthusiasm, or of private resentment, but still by no means one of personal indifference, or of cold neutrality.—Wherever the subject is undertaken, to be successfully managed, it will require the *ingeniosus*,—the most skilful of historians; a writer combining all the great qualities, which have shone separately in the most illustrious of his predecessors.—He must be exempt not only from all undue bias, but from fear of every kind;—and be either the citizen of a free government, or the subject of a monarch like Trajan. “History,” says the Report, “*who is no longer herself, when she ceases to be free*, was silent for several years during the revolution.” She was then even still less miserably enslaved, than she is at this moment in France, and is likely to be for a long futurity. We cannot therefore expect, that she should be otherwise than mute in that unhappy country, and must consider the voice now ascribed to her as a mere counterfeit.—Keeping in view the

* The French historian of the unfinished convulsions of his country, may still be suitably apostrophized in the verses which Horace addresses to Asinius Pollio, in reference to the history of the civil wars of Rome, undertaken by the latter.

— arma
Nondum expiatis uncta crüoribus
Periculosa plenum opus alex.—
Tractas, et incedis per ignes
Suppositos cineri doloso.

sound aphorism of the Institute, we should not wonder, if, as is really the case, France be now utterly incapable of producing, not merely a good history of her revolution, but any truly valuable historical work whatever.

The Report is wholly silent with respect to the English works in modern history published since 1789. Yet certainly the works of Roscoe, to which however, we are far from attaching any very great value, deserve as honourable mention as those of Gaillard; and the labours of Russel are not less meritorious, than the last productions of Anquetil. The life of Catherine by Castera, so highly extolléd by the Institute, is far inferior to that of Tooke, whose history of Russia is likewise a work of no inconsiderable worth. We prefer Bryan Edwards to Raynal,—and Belsham or Bisset, defective as they are, to Lacretelle and Toulangeon. In what may be termed historical biography, English literature has been, since 1789, much more fruitful than that of France, and has produced a number of volumes of distinguished merit.

In this department, our own country can boast of having enriched the world, with a work superior in value, to any other of the kind extant:—we mean the Life of Washington by Marshall.—Whatever may be its defects as a literary composition, (and these are greatly exaggerated by the foreign critics,) it is inestimable, as a most ample and well-digested collection of perfectly authentic documents, concerning our revolution,—a revolution among the most interesting in itself, and perhaps the most important in its consequences, that has ever occurred.—Gifford's Life of Pitt, which has received a flattering welcome from the British public, is not without intrinsic price, and some attraction in point of style, but who will venture to assert its pre-eminence in any one respect, over the great national memorial of which we are speaking? "My relation because quite clear of fable," says Thucydides in his introduction to his history, "may prove less delightful to the ears—But it will afford sufficient scope to those who love a sincere account of past transactions. I give it to the public as an *everlasting possession*, and not as a contentious instrument of temporary applause." Such may be in truth and without ostentation, the language of chief justice Marshall on the subject of his work.—We cannot say as much in relation to Mr. Fox's fragment of English history.

Whatever respect we may entertain for the English works we have mentioned, and for many others, such as the history of the House of Austria, by Coxe, and of the Brazils, by Southey, —we must confess, that history does not appear to us, to have been cultivated in England, by the present generation, with as

much success, as, under all circumstances, might have been expected.—The freedom of the press in that country, the flourishing condition of the moral sciences generally, the skill of her literati in the arts of composition, the solidity of judgment and patience of research which mark the national character, would justify the world, in looking to her, for a more considerable number of able works in that department. This comparative deficiency may, perhaps, be ascribed, to the strong attraction which politics have had of late, for almost all minds of a speculative cast, and to the deep interest which the melancholy state of the world, compels every Englishman to take, in the public concerns, both foreign and domestic, of his country. Hence also, on the other hand, the multitude of able disquisitions issued almost daily from the British press, on the science of government, on all the branches of political economy, and on cotemporary politics.

The last sections of the "Report" are devoted to legislation and metaphysics. Pastoret, the writer of the article on the progress of legislation, is a person of ability, and well known as a most zealous republican, in the revolutionary annals of France. He is however, transformed into an obsequious courtier, and divides his labours in this volume, between the celebration of the *quondam* merits of France in the science of jurisprudence, and a pompous eulogium on the excellence of the Napoleon code.—L'Hopital, Cujas, Lamoignon, D'Aguesseau and Montesquieu are introduced in solemn procession, with all their attributes, but we are not made acquainted, with the name of a single French jurist, or writer on legislation, of a more modern date.—This may indeed, be accounted for, by what is said, in the course of his remarks on the Napoleon code, "that if the progress made in the other sciences during the last twenty years, is owing to the many distinguished men whom France possesses,—in the science of legislation, almost every thing is due to the active foresight and firm will of the government;"—although it is indeed at the same time alleged "that even in those legislative labours, which, from their nature and character, belong to the government, some writers have usefully seconded the meditations of the supreme chief of the empire."

With the exception of the new system of Bonaparte, which throws the *ci-devant* republican almost into an ecstasy, and chiefly occupies his thoughts, the only works cited by Pastoret, are French translations of Beccaria and Filangieri, of Machiavel and Harrington, of Blackstone, and some parts of Heineccius, of the politics of Aristotle, and the Republic of Cicero, and an original commentary on the twelve tables, first

published in 1787, but *reprinted* with additions in 1803! We are told, however, that in Germany as well as in France, and also in England and in Italy, several treatises have appeared upon different branches of legislation;—that the civil and political laws of the Romans have been the particular subject of several works in Germany, in Italy, and in England, but principally in France; and that the principles and laws relative to *property*, to *commerce*, to *taxation*, have been explored and discussed in some works on political economy, in France and in England, but eminently in France, (en France surtout.*)—No foreign work, in any of these departments of knowledge, is specified, nor have we any other proofs, of the greater, and more successful attention, given to them of late in France, than the *ex parte* dictum of the Report, and the list of translations which we have copied above.—

It is indeed true, as is said by M. Pastoret, “that of all the periods of French history,” (or, we may add, of the history of the world) “none was so fruitful in writings and projects on legislation, as the year 1789 and the following one” in France.—He unfolds, however, the true character and tendency of these speculations, when he subjoins, that the whole of the edifice of the French laws in all its parts, relations and details, was attacked and overthrown;—that ranks, dignities, privileges, taxes, revenue, the rights of property, the security of persons, the subordination of classes,—the most venerable customs,—the most ancient institutions,—the most redoubtable tribunals,—all yielded at once, to a flood of exterminating doctrines, so impetuous, that what had taken the deepest root, seemed to be most easily extirpated.—The spirit of inquiry and reformation, as it was then falsely called, or rather,—to speak in a language now universally acknowledged to be just,—the mania of innovation and impiety, seized upon the unhappy people of France, and became, more or less, the epidemical malady of the civilized world.—The faction of unbelievers with Voltaire, “the arch Theomachist,” at their head, and the sect of Encyclopedists with the Economists as their auxiliaries, led the way in this mad debauchery of the human mind, and contributed indirectly to form the Jacobin pandæmonium of Paris, together with the host of demoniac levellers that sprung up in almost every country, and among whom our own Tom Paine held so conspicuous a station. Had it not been for

* M. Pastoret was probably ignorant of the existence of such works as Malthus' Essay on Population, Brougham's Colonial Policy, Jeremy Bentham's Principles of Legislation, &c. &c., in the same manner that M. Visconti had probably never heard of such philologists as Bryant, Lowth, Markland, &c.

the illuminating, admonitory eloquence of Mr. Burke, and the heroic steadiness of Mr. Pitt,—names which we utter with the most intense emotions of gratitude and veneration,—England herself, the seat of liberty, of sound morals, of true political wisdom, might have fallen a prey to the powers of anarchy and infidelity in the counterfeit shape of “regenerated reason,” and the whole of Europe might, at this moment, exhibit, what France presents to the philosophic eye;—but one wretched contrast,—the ferocious arrogance of the despot, and the miserable abjection of the slave.—The vertigo of speculation and change was felt even here; and if we too, had not possessed a tutelary genius in the leader of our public councils, the United States, instead of continuing to enjoy, that plenitude of freedom and happiness, with which they are still blessed, through the efficacy of their political institutions, and their domestic virtue, might now be only less miserable, vicious and grovelling, than the nations of the European continent.

Among the multitude of French writers on legislation and political economy, who undertook to enlighten and purify the world, at the commencement of their revolution, we know of none that has materially contributed to enlarge the sphere, or to explain the true principles, of these important sciences.—From this remark we do not except the manufacturers of the Encyclopedia, even D’Alembert, Turgot, Condorcet, Rousseau, Mirabeau, or any of the great authorities of the revolutionary school. Whoever has recourse to their works, in the hope of adding to his stock of solid information, on the subjects of which they treat, will, like ourselves, find that he does but waste his time on a mass of empty, though pompous declamation, of crude novelties, and visionary projects. Happily for mankind, they have lost their influence, and are now rarely or ever consulted, but with the view of gratifying curiosity.

We are willing to admit with M. Pastoret, that many of the productions of the day, to which he alludes, exhibited great ingenuity, much opulence of imagination, and beauty of style; but they were, for the most part, as he himself acknowledges, fitted rather to mislead and demoralize, than to instruct or reform.—There can be no doubt, moreover, that the National assemblies contained several men of splendid genius and profound sagacity, who, under more favourable circumstances, might have legislated to the most salutary effect; and that the labours and reports, of the committees of those assemblies, in relation to various branches of public economy, are not without an ample share of merit.

The present government of France has availed itself largely, in the formation of the new code, and in its regulations concern-

ing matters of domestic police, of the researches of the constituent assembly, and of the writings of a similar tenor, published in the early periods of the revolution.—Our readers may judge of the number and variety of the latter, from the language of the Report. “A volume would scarcely suffice,” says M. Pastoret, “to record the titles alone, of the works on legislation, more or less useful and extensive, which successively inundated the press for some years. The imperial library now possesses no less than *sixty thousand*, and has not yet collected the whole.—If we add to these, all the occasional and ephemeral works, which were published daily, the number becomes infinite.”

On the destruction of the old government of France, almost every individual, however humble his station or illiterate his habits, aspired and fancied himself equal, to the management of public affairs. This fatal illusion which filled the first assemblies with men of the most unsuitable character, Mr. Burke, in his *Reflections on the French revolution*, justly regards, as one of the principal causes of the calamities, which befel the nation. We ourselves are now suffering under the same evil, and should take warning from the melancholy example of France. We should learn in time, that something more than mere native acuteness, or common sense, is necessary to the functions of a lawgiver. To be enabled to take a comprehensive, useful view of “the various, complicated, external and internal interests, which go to the formation of that multifarious thing called a State,” his understanding should be liberally endowed, and trained in a very particular way.—The intrusion into our national councils, of persons with contracted and uneducated minds, whose inaptitude for the station which they so preposterously usurp, can only be surpassed by their presumption, is a public mischief, much more serious than we generally imagine, although we are, by no means, without experience of its effects.—Unless it be speedily corrected, either by teaching the mechanical labourers of society, their inadequacy to the offices of legislation, or by a strenuous resistance on the part of those, who are sensible of this truth, to their absurd pretensions, it may, and indeed must lead, to the miscarriage, as it were, of the constitution, and the decline of all the public interests.

In allusion to the vulgar composition of the *Tiers états*, and the Constituent assembly, Mr. Pastoret dwells with much emphasis, on the difficulties of legislation as a science. He correctly represents it, as one of the most intricate of the branches of human knowledge, from the infinitude of its relations, and the uncertain character of its objects,—of

which the human heart, so unsettled and so mysterious, is the most immediate, and universal.—Antiquity, he adds, produced but few legislators amidst a number of philosophers, of poets, of artists, and of illustrious personages in all departments. The remarks which immediately follow this, deserve also to be quoted, and to be seriously considered by no very insignificant portion of our national representatives.

“But,” continues Mr. Pastoret, “there are many things which men believe they understand well, because they see them incessantly in operation before their eyes.—For several years, it did not appear to be doubted in France, but that the science of legislation, was to be easily mastered by all minds. The most enlightened members of our public assemblies, were often overcome, in their tumultuous debates, by active and vehement mediocrity.—It was in vain that they appealed to the lessons of experience and the principles of justice; the more the public agitation increased, the less were they attended to,—the less could they be heard.* Of all sciences, legislation is that which has most to apprehend from political storms and divisions. Under the direction of violent passions it is rendered

* How well does not this testimony, from the pen of one who was himself a conspicuous member of these assemblies, accord with the doctrine advanced in reference to them, by Mr. Burke, in his *Reflections on the French Revolution*. The following passage from that work, furnishes matter for very serious thought to every American, and indeed to the citizen of every country, where the principle of representation prevails.—“Whatever the distinguished few of a deliberative assembly may be, it is the substance and mass of the body which constitutes its character, and must finally determine its direction. In all bodies, those who will lead, must also, in a considerable degree, follow. They must conform their propositions to the taste, talent, and disposition of those whom they wish to conduct: therefore, if an assembly is viciously or feebly composed in a very great part of it, nothing but such a supreme degree of virtue as very rarely appears in the world, and for that reason cannot enter into calculation, will prevent the men of talents disseminated through it from becoming only the expert instruments of absurd projects! If, what is the more likely event, instead of that unusual degree of virtue, they should be actuated by sinister ambition, and a lust of meretricious glory, then the feeble part of the assembly, to whom at first they conform, becomes in its turn the dupe and instrument of their designs. In this political traffick the leaders will be obliged to bow to the ignorance of their followers, and the followers to become subservient to the worst designs of their leaders.”

“To secure any degree of sobriety in the propositions made by the leaders in any public assembly, they ought to respect, in some degree perhaps to fear, those whom they conduct. To be led any otherwise than blindly, the followers must be qualified, if not for actors, at least for judges; they must also be judges of natural weight and authority. Nothing can secure a steady and moderate conduct in such assemblies, but that the great body of them should be respectably composed, in point of condition in life, of permanent property, of education, and of such habits as enlarge and liberalize the understanding.”

subservient to the violation of its own fundamental maxims, and to the perpetration of the most intemperate and impolitic acts of injustice; it is made the agent of extraordinary and violent measures, which rarely fail to sap and destroy, the very authority they are intended to uphold."

Mr. Pastoret is prodigal of applause in favour of all parts of the Napoleon *Corpus juris*. His sycophancy in this respect is the more unpardonable, as no person is better qualified than himself, to decide correctly on its merits. The utter insufficiency of the "civil code," from the haste and negligence with which it was framed, is felt and privately acknowledged, by every lawyer of France. Our readers may themselves judge of "the criminal and commercial codes," of which we appended translations to our two last numbers. They legislate for a vast empire, as the most rigid disciplinarian would do for a college of froward boys, or as the founder of the severest of the religious orders, with respect to his followers.—Their provisions extend, to the most inconsiderable actions and details, of common and commercial life, and leave nothing to discretion or free will. The main drift of the whole of this new system of jurisprudence, is, evidently, to rivet and complete, by the more minute and comprehensive operations of municipal law, that political servitude which has been established, and is chiefly supported, by the terrors of the sword.

There is something almost ludicrous in the manner, in which Pastoret speaks, of the law-giving zeal of his imperial master. "In the mean while," says this fervid convert to despotism, after mentioning the political troubles under the Directory, "an illustrious general returned triumphant from the fields of Italy, and with his mind solely occupied with the establishment of the empire of the laws, at the moment when he had just exerted all the potency of arms, the desire of reforming them was the first sentiment which he uttered,—the only one which he felt,—while he was overwhelmed with congratulations on his victories, which even then seemed too great to be surpassed. The Emperor then demanded from others, a benefit which he was soon to impart himself. Returning a second time after new dangers and new triumphs, to frame a civil code was always his first and most active thought."* With

* Pastoret was, in 1790, minister of the Interior to Louis the XVI.; afterwards president of the electoral assembly of Paris, and a most violent disclaimer against king-tyrants (*les rois-tyrans*).—When a member of the council of five hundred, his speeches breathed the most impassioned republicanism. The following phrase from one of them may serve as a specimen. "We are all children of the constitution, and we ought to consign to execration the man who can regret a *master and tyranny*." *Tempora mutantur.*

this strain of impudent and nauseous falsehood, nothing can be more perfectly in unison, than the assertion which he makes soon after; "that all the tutelary institutions of which the English nation boasts, were received from France," trial by jury, publicity of criminal process, &c.

We shall now take leave of Mr. Pastoret, in order to say a few words, on the last section of the Report, which treats of metaphysics and moral philosophy. The author, Mr. Degérando, has acquired considerable reputation by his metaphysical writings, and deserves great credit, for the knowledge and candour, which he displays in the present dissertation.—He seems to be well acquainted with foreign literature, and does justice to the merits of England in the several branches of speculative philosophy, with a boldness and liberality, the more praise-worthy, and remarkable, as they are entirely at variance with the example of his colleagues, and the intentions of his government:—He sets up no very exorbitant claims for France, and abstains, moreover, from offering any very fulsome compliments to the Emperor; a course of proceeding by no means fitted to advance his fortunes.—Mr. Degérando, has, in addition, a better style than his colleagues, although the same objection to which he is liable in his "*Histoire Comparée des Systemes de Philosophie*," and his "*Generation des Connoissances Humanes*," may be made here;—that he is too diffuse and declamatory for a writer on metaphysics.

He gives an interesting and full account, of the philosophy of the Germans, in which he appears to be profoundly versed;—of the immense sphere of their philosophical writings, and of the nature, rise and progress of the system of Kant, to whom he allows much more merit under every point of view, than any other eminent metaphysician out of Germany, is willing to accord. He is moderate in his encomiums on the modern French school of metaphysics, and cites but a few names from the number of its professors;—those of Condorcet, Rousseau, Mounier and Condillac. Moral philosophy, he acknowledges, has not been in France, for a series of years, as fruitful as was expected,—and can boast of but a limited number of teachers. Of this class, Necker, Marmontel and St. Lambert are alone mentioned. The last, St. Lambert, might have been omitted without injustice, if we were to judge of him solely, from the character which Degérando himself ascribes to his work, "*The Universal Catechism*."—It inculcates a doctrine plausible enough, and in some few instances, perhaps, useful, but which, generally, should be proscribed as mischievous and abject. Interest is never to be recommended as the leading inducement to duty, nor is the

love or the practice of morality, to be considered, merely as a matter of prudential calculation.—The cause of virtue can never be efficaciously or worthily sustained, but upon the principle, that it is to be loved and espoused on its own account.—*Τὸ καλὸν δι' αὐτὸ αἰσθητόν* was the elevated doctrine of the best and wisest of the philosophers of antiquity, and should be eminently that of their christian successors.—There can be no solid system of ethics, which is not built on this foundation.

M. Degérando strenuously recommends the establishment of chairs of philosophy throughout France, particularly in the public institutions, and ventures to point them out as necessary, for the completion of the prescribed course of studies. Bonaparte is adroitly reminded, that it was under the reign of Augustus, that the schools of philosophy, shut during the disorders of the Triumvirate, were re-opened with additional pomp. We know not whether this appeal to the vain-glory of the “modern Charlemagne” was successful, but of this we are certain, that neither the measure recommended, nor the efforts of any small number of meritorious individuals like M. Degérando, will be of avail to effect the ostensible purpose, while the government of France retains its present constitution.—Moral philosophy is but too certainly and fatally obnoxious, to the withering influence which a military tyranny exerts, over all the branches of human knowledge, that have not, like the physical and mathematical sciences, for their object, something as it were *material*, and instrumental to the designs of ambition. In France, literature of every description is obviously and rapidly on the decline;—genius, unless military, and in the fine arts, nearly extinct;—the sublime speculations of the higher philosophy are almost unknown; nor is it possible that they should be cherished, or their lessons practised, by the unfortunate victim, or the corrupt disciple, of the most demoralizing, inquisitorial, and oppressive of all the despotisms, which have ever afflicted and debased humanity. If we are intitled to apply to France in the aggregate, the lines of Cowper,—

’Tis universal soldiership has stabb’d
The heart of merit in the meaner class,

we may, with equal truth, say of any one of the higher orders, or of the denomination of youthful literati, in that country, in the language of the same poet,

His hard condition, with severe constraint
Binds all his faculties, forbids all growth
Of wisdom, proves a school, in which he learns
Sly circumvention, unrelenting hate,
Mean self-attachment, and scarce aught beside.

We lament that we cannot afford space, for the observations of Mr. Degérando, on the German philosophy, as well as for his interesting survey, of the writings and genius of Lavater and Pestalozzi. We should now think of bringing this article to a close, and have perhaps already said enough, to give our readers a full insight, into the merits and objects of the Report under consideration. We shall finish, then, with a translation of that part of Mr. Degérando's section, which relates to the state of speculative philosophy in Great Britain, and which, notwithstanding its length, we cannot consent to withhold from the public, so great is the satisfaction it has afforded us, and so honourable is the testimony it bears, to the intellectual and moral elevation, of the country of our ancestors. In dwelling on the several statements of Mr. Degérando, partial as he is to the philosophical labours of his own countrymen and of his continental neighbours, it is difficult for a *true American*, not to feel the striking contrast, and to form a flattering comparison between the mysterious refinements and epicurean tenets of the German, or the lofty pretensions, the vague harangues, the deadening scepticism of the French school, and the pure morality, the dignified simplicity, the luminous reasonings, the sound, sober sense of the moralists and metaphysicians of Scotland.

"In England," says Mr. Degérando, "philosophy has, in general, preserved a distinctive character, derived as much from the authority still possessed by the writings of Bacon, Locke and Shaftesbury, as from the genius of the nation. The greater part of the English writers, less enamoured of speculative theories than the Germans, have considered philosophy as a science which has experience for its basis, and which should lead to practical results. To study facts, to classify and generalize them, to apply them usefully, has been their chief object.—If this prudent plan has debarred them of triumphs, to be obtained only by the hardihood of abstraction, it has, however, enabled them to reap fruits more appropriate to the wants of society."

"Notwithstanding the general tendency of their investigations, we have seen the opinions of men in England, divided during the last age, between various speculative systems, such as the idealism of Berkeley,—the materialism of Priestley,—the scepticism of Hume,—and the hypothesis of Hartley with regard to the principle of association, which is so nearly allied to the doctrine of Stahl.—Other theories have been devised, to explain the operations of the will, by mechanical agency,

and the law of duty, by principles foreign to that of morality. These theories were framed and expounded with much ingenuity, supported in the absence of solid proof, by the aid of the most subtle dialectics, and although chiefly made up of errors, were not wanting in new and judicious observations, on the operations of the mind, and the study of the human heart.—Each of them still retains a certain number of adherents and advocates, but the controversy which they raised, has perhaps,—by producing at length a kind of lassitude and irresolution,—contributed to that indifference manifested by the majority of the English public, in relation to philosophical researches.”

“In the mean while, however, a celebrated school nourished the sacred flame; preserved and developed in a series of glorious efforts, the most noble and precious truths which philosophy can offer.—The Scottish school re-produced the sound doctrines of the sages of antiquity, enriched with modern lights.—Reid, Oswald, Beattie, and others, opposed to idealism and materialism,—to systematic scepticism, (the almost inevitable consequence of both one and the other) the authority of those primitive truths, of those intuitive principles, which are, for all men, the source of knowledge, and which are incapable of being demonstrated, precisely because they are the necessary basis of demonstration.—Hutcheson refuted the unsatisfactory code of ethics drawn from habit and convention, by the eternal and sacred voice of nature, which, addressing itself to the heart of man, when he does not refuse to listen, teaches him his destiny, and his duties.—He inculcated doctrines devoid indeed of ostentation and parade, but which recommend themselves by their simplicity and their wisdom;—which give solid foundations to the two most precious goods of the earth, virtue and truth,—which preclude the recurrence of the idle subtleties, that too often bewildered and misguided those, who would persist in endeavouring to make elementary principles the subject of reasoning.”

“These doctrines have received, during the last twenty years, additional support, and material improvements, from the labours of the worthy continuators of the Scottish school. The primitive canons of intuition, and of feeling, which it is the province of philosophy, not to prove, but to designate and to develop, have been better defined, and established with more precision. The production of subordinate truths, the analysis of the operations of the understanding, the theory of the affections and of duties, have been elucidated from day to day.

The celebrated author of the *Wealth of Nations* and of the *Theory of Moral Sentiments*, has bequeathed to philosophy some fragments of the highest value; fragments which are so many abridged, yet profound treatises, on the march of the human mind, on the origin of systems, and the fundamental principles of sound metaphysics.—Reid and Beattie, two of the luminaries of this school, were still living, at the commencement of the period, which we comprise in this Report. The first had just published his treatise on *Active Powers*, the complement to a theory which may be justly styled, the code of *good-sense*;—he had consummated the discredit of the ancient opinion of philosophers, concerning the character of images or impressions ascribed to our sensations,—by distinguishing the impression received, from the concomitant judgment of exteriority.—Beattie prosecuted until towards the close of the century, his researches in moral philosophy;—in the theory of language, and the foundations of truth. Ferguson traced the elements of political science to the soundest and purest ethics, and with the same torch, by which he shed new light, on civil legislation, and the history of nations, unfolded to view the constituent laws of our nature, the movements of sensibility, the mechanism of habit, the working of the human faculties, and observed the progressive growth of the human mind.

Dugald Stewart, the friend, the disciple, and in some sort, the heir of these great men, has systematized, continued, completed their work; and enjoys the rare felicity of seeing his writings become, during his life time, almost classical in his own country. He has raised moral philosophy to the rank of a positive science, by subjecting it to the method of Bacon, to a judicious classification, and to a rigorous analysis and strict connexion. He has most profitably applied, and established upon clear principles, the laws of attention, of memory, of imagination, and those of the association of ideas, and of intellectual habits. He has irradiated the old question, of the causes of our errors, with new lights, and has made new observations, on the phenomena of insanity and of dreams. Above all,—he has developed in their full extent, both the utility and the danger of abstract and general notions:—their utility in every branch of knowledge;—their danger, particularly in political science;—thus uniting and reconciling two maxims which, either because they were kept separate, or but imperfectly known, have occasioned successively, the prevalence either of blind dogmatism or impotent empiricism;—two maxims the union of

which, must lend very precious aid to the progress of the human mind, and to the perfection of the sciences."*

"Doctor Hutton has employed himself in new researches on the origin of human knowledge, and the study of wisdom. He has endeavoured to open a midway path between the doctrines of Hume and Berkeley, in explaining how the ideas of the properties which we ascribe to bodies, are artificially formed in our minds, and how the activity of the mind excited by sensation, collects, with respect to the causes that have produced it, lights which sensation itself is incapable of furnishing.—The explanations which he has given, do not, in our opinion, afford a completely satisfactory result; but they serve at least, to facilitate the solution, of one of the most intricate problems, which has tried the sagacity of philosophers.† Although the Treatise on Population by Malthus, belongs, from its object, to political science, the development of this new and prolific principle, may be regarded as a precious acquisition for moral philosophy."

"If the Scottish school professes a doctrine nearly uniform, this circumstance does not spring from a sectarian spirit; the inculcation of this doctrine is unaccompanied, by any of those juggling pretensions, by any of those rites of initiation, which the authors of systems have but too often employed, for the purpose of retaining their proselytes, in a state of blind devotion. The love of truth is the bond of union between these writers; and they are unanimous, because a constant intercourse has enabled them to understand each other well.—There may appear to be something vague in the terms *common sense*, *moral instinct*, which they have employed to designate the faculty given to man, of perceiving intuitively primitive truths, and of discovering the laws of morality by an innate feeling;—but in justice, this must be said,—that they have, both in the one and the other branch of philosophy,

* Nothing can be more just than this view of the merits of Dugald Stewart as a philosopher. We rejoice to find, that his last work, entitled "Philosophical Essays," has been reprinted in this country, and widely circulated. It should be in the library of every lover of moral truth and elegant literature.—Why are not his Biographical Sketches also re-published here? They have a peculiar character of excellence, and that of the highest order.—We would, if it were in our power, familiarize our countrymen with such models of just thought and classical composition.

† The theory of Hutton is uncommonly ingenious and imposing. It is ably and beautifully expounded in a memoir on the life of that philosopher, written by the celebrated professor Playfair of Edinburgh, and inserted in the Transactions of the Philosophical Society of that capital.

wisely assigned limits, at which the analyses of the human mind should stop, and have restored to our reason, bewildered in the maze of speculation, that fulcrum which she requires, to build up the edifice of human knowledge."

"In the same manner as Hartley had combated the principle of *common sense*, some English writers have likewise, within the few years past, attacked that of *moral instinct*, and by various arguments, have endeavoured to reinstate the ideas of *just and unjust*, in the class of artificial or acquired notions. Thus Thomas Cogan in his *Treatise on the Passions*, in subjecting the affections of the human heart to the analysis of reason, and giving them a sort of classification or methodical nomenclature, allows them no other source than self-love, and the state of society.—Thus Priestley, when by denying free will, he destroyed the essential foundation of all morality, looked to revelation for that sanction and basis, which he would not admit to exist for it in nature.—So also W. Paley, in his work on morals and politics,—a work in other respects so eminently praise-worthy for the wisdom of its corollaries, and the purity of its spirit,—imagined that he could invest religious ideas with new force, and provide a more dignified origin for the laws of morality, by deriving the motives of duty, exclusively, from a system of eternal rewards and punishments; not remarking, that a doctrine like this, might yield some justification, or rather afford pretexts, to the errors of blind enthusiasm; and would take from religion, one of the most noble evidences in her favour,—that which results, from the agreement between her precepts and natural morality.—Far be from us the thought, of denying the powerful aid, which the latter receives from religious opinions, and the character of elevation which is stamped upon it, by this alliance! When considered in a practical point of view, the work of Paley is, therefore, still extremely useful. We cannot, unfortunately, allege the same apology for that of Bentham, who in labouring to build upon morality the whole of civil legislation, has resuscitated the old opinion of the sophists, so eloquently refuted by the sages of antiquity, which makes the *utile* the origin of the *honestum*, or rather considers the last as wholly subordinate to the other; which establishes the interest of the individual as the rule of private, and the interest of the majority, as that of public morality:—a doctrine which must inevitably conduct to selfishness in the individual, and to a most pernicious Machiavelism in states,—which is fitted to lead astray both the legislator and the moralist."

"Constrained as we are by the nature of our undertaking,

to point out the errors of some systems, along with their discoveries, we ought not to pass over in silence, the extravagancies into which Godwin has been betrayed, by the affectation of originality, or rather of singularity. Ambitious of being thought the Rousseau of England, he resembles his model, only in his intemperate hostility to social institutions. He has, indeed, pushed his invectives still further, and in his crude and short-sighted strictures, appears to have made it his study, to attack whatever is truly respectable, thus prostituting talents, not unworthy, in some instances, of a better cause. We should not omit to notice also, the paradoxes of lord Monboddo, who has elucidated by some useful remarks, the history of language, but who has at the same time, disfigured that of the human race, by the most absurd chimeras.—It should be observed, that the opinion which we here express, belongs equally to the enlightened portion of the English public."

"The progress which the physical sciences have made in England, has not been useless to philosophy. The theory of vision, which, as it is well known, is so largely indebted to Priestley, has been illustrated by some precious observations from Dalton, on the manner of seeing colours.—The theory of instinct has been improved by some new views, contained in the small treatise on the external senses, by Adam Smith, and in the *Zoonomia* of Darwin, whose bold and not-unfrequently luminous conceptions, carry with them but too often, the stamp of arbitrary hypothesis."

"The theory of the beautiful, that brilliant part of moral philosophy, now so emulously cultivated in Germany, has recently been the subject of a new system in England. Burke has endeavoured, after the example of Hogarth, to determine and explain the ideas which we attach to sublimity and beauty, by restricting the first, to what is terrible in itself, or allied to terrible objects; the second, to what excites (to a very limited extent, however, and in a small degree) agreeable sensations and benevolent dispositions. He deduces the sublime and the beautiful from two principles, *self-preservation* and *society*, which, according to him, constitute the objects about which all our passions are conversant. Mr. Uvedale Price has attempted to supply what he thought deficient in this system, by introducing a third principle, to which he has given the name of the *picturesque*, and which he makes to consist, in complication and diversity. This theory, the weakness of which not even the genius of Burke was adequate to disguise, has been attacked with success, in particular by sir Joshua Reynolds; but

it has induced discussions highly useful to the philosophy of the fine arts, and its illustrious author, although pursuing a wrong track, has founded upon the knowledge of the human heart, and the laws of the imagination, those profound maxims which he reduced to practice, in so brilliant a manner, in the career of eloquence."

"We cannot too often repeat this fundamental axiom, that philosophy is then most efficaciously fulfilling its true ends, when it is employed in the exposition of practical morality; a branch which, for a long time, and particularly among the oriental nations, was in some sort, the only philosophy.—Several English writers have cultivated it with an honourable zeal.—Of the number, we take pleasure in mentioning Aikin, Wilberforce, Gisborne, Miss Hannah Moore, M. Edgeworth, his daughter Miss Edgeworth, Morrice, who have collected and developed the precepts appropriate to every class of our actions, and to every condition of society; and applied the lessons of morality to the first of arts,—education.—Without doubt, we may be allowed to rank among the number of these estimable moralists, the illustrious Blair, the model and the guide of the sacred orators of Great Britain;—Blair, that truly philosophical orator, who so happily united to a deep knowledge of the human heart, the talent of inspiring it with the love, and of animating it to the practice, of virtue."

"We ought to offer here this additional testimony, in favour of the writers of whom England can boast, particularly during this period;—that not only have they professed a sincere and enlightened respect for religious ideas, but many of them have made it the special object of their labours, to strengthen the august alliance between religion and philosophy; an alliance which yields fresh support to the one, and invests the other with all its dignity."

"Among the works to which this noble design has given birth, there are two which deserve to be placed in the first rank; that of Butler upon the Analogy of Religion natural and revealed, and that of the respectable Paley upon Natural Theology.—Both the one and the other of these works, devoid as they are, of every kind of exaggeration, perfectly in unison with the present state of knowledge, and the dictates of sound reason; opening as they do, with new and more brilliant attractions; the most noble prospects to elevated minds,—both, we say, may be considered, in the age in which we live, as true blessings for humanity."

Die Wahlverwandtschaften ein Roman von Goëthe. Tübingen, in der Cotta'schen Buchhandlung, 1809.

Elective Affinities; a Novel by Goëthe.—Tübingen, 1809.

The German vernacular literature of the present day, offers several striking peculiarities, which render it worthy of engaging the attention of every general scholar. It may be said to date only from the last century, and the fathers of it, have not yet passed away, but enjoy the satisfaction, almost peculiar to themselves, of seeing the fabric which they have raised, vie in strength and beauty with those of neighbours so long pre-eminent in excellence.

This literature seems by some great effort to have attained, in a comparatively short space of time, a pitch to which that of France and England only rose by slow degrees. There is no style of writing in which they cannot produce an author of distinguished merit.—To Milton the Germans can oppose their Klopstock; to Shakspeare their Schiller and Goëthe.—However unsuited their climate to the perception and delineation of pastoral feeling; yet Gesner has been translated, and read in almost every language. However ill adapted their own language may appear to grace and elegance, yet Wieland has clothed in it appropriately, the effusions of a brilliant imagination. Their theatre produces a collection of plays, equal in volume to those of the French and English, and admirable in many points of view. In the minor walks of poesy, we find them succeeding in the delicate expression of feeling, and giving to the world several very popular styles of writing, which however faulty, have been very generally admired in their day, and continued to be so, as long as it was probable trifles would, which depend entirely on the wavering taste of the greatest class of readers. By the numerous fictions with which their presses teem, they have proved themselves to be singularly inventive; but above all, their minds seem to have been turned towards metaphysics; and throughout their views of it, they show themselves to be profound thinkers. At this moment, indeed, one of their philosophers is about operating on the continent of Europe a great change, if not an entire revolution, in that science.

With all this merit, however, there reigns in their productions a certain tone which must at first be more or less disagreeable to a foreigner. We can only give an idea of the effect it has upon us, by comparing it with a very fine aqua-tinta

drawing, of which the general tint happens to be displeasing to the eye. When, however, we have recovered from the disagreeable impression which it conveys at first sight, and prevail upon ourselves to examine it, we may discover through its medium, a thousand excellencies of composition and execution, and by degrees the eye tolerates, nay perhaps reposes with satisfaction upon, that very hue which shocked it so much at first.

If we may judge from a partial knowledge of this literature, its characteristics seem to be, great richness of imagination, profundity of thought, and force of expression, accompanied at times however, with much obscurity of phraseology, an excessive proneness to abstruse speculation, and generally, with a vein of affected sentiment. Some of these faults may be attributed in part, to the unsettled state of the language; which is such, that every author assumes to himself more or less, the liberty of compounding whatever words may suit his purpose; a license which, if it were continued to be granted, in any proportion to the freedom, with which it is now used, would in time, give them an idiom constituted of as many characters as that of the Chinese. We are far from meaning to insinuate, that a limited use of this freedom is not advantageous to a language, but we wish, particularly as the opportunity is here offered, to appeal against the abuse of it; the more so, as we regard it as one of the growing vices of our American literature.

The Germans have at least the excuse that their language is as yet unformed; that the great masters who have raised for them a body of literature, may be considered of authority high enough to re-model, or multiply at pleasure, the elements of it; whilst it is probable that the code of laws they may leave on the subject, will be held sacred by succeeding generations, and the constitution of their literature (if we may so express ourselves) never be violated. But what shall we say of any set of men inheriting a rich and sonorous language, composed, it is true, of many distinct idioms, but forming a body in which the excellencies of each have been retained, and the imperfections rejected; which has been gradually refined, during a long series of years, by the classical ear and taste of men whose authority in literature is paramount, not only among the English, but throughout the world;—what excuse, we say, can those have who, inheriting a language so constituted and brought to perfection, are daring enough to violate its rules, and deform its rich and flowing periods, by the introduction of words unsanctioned by custom, and incompatible with its purity and majesty? To say the least of it, this is a miserable attempt at singularity, and we should be rather inclined to call it an arro-

gant design to divert, and give a new direction to the taste of the nation;—a design which can only be the result of ignorance or vanity. Let us hope, however, that this conspiracy against our rising republic of letters, will be frustrated by the good sense of the people, and that we may one day have a body of authors who, by aiming at that excellence, of which we have models before us in every way, will re-assert our claim to respectability in literature.

But to return from this digression.—That obscurity of phraseology so very observable in German literature, is probably in part also, the result of too great a dependence, on the clearness generally arising, from a declension of the nouns of any language. This circumstance which so eminently contributes to the perspicuity of the Greek and Latin, leads by its abuse in the German, to a tedious, drawling cacophony. In the ancient languages, we find many authors remarkable for their brevity and closeness, with whom the casual suspension of the sense until the final word, tends only to vary their sentences, and adds to their elegance. But the almost invariable rule in German, of placing (both in speaking and writing) the verb towards the end of the sentence, gives the foreigner a sensation almost as disagreeable, as that of hearing a string of enigmas repeated one after the other, with the solution immediately following.

The work before us, which it is time for us to present to the notice of our readers, is from the pen of Goëthe, the well known author of *Charlotte and Werter*. As he is generally revered in Germany as the patriarch of their literature, and as we think this last production, of the father of German sentiment, highly original, and an example of many of the defects and excellencies of the sentimental species of writing, we shall give a detailed account of its plan.

The title explains in some degree the ground-work of the novel, and the agency which the author makes use of, in order to produce his different situations. The "*Wahlverwandtschaften*" is the German term employed to express that affinity, which is known in chemistry to exist between certain bodies. This the author transfers to human nature, and supposes that there exists in every person, a moral attraction for some other which, whenever the two come together, must inevitably be brought into action. The irresistible mutual impulse constitutes Love!

He exemplifies this in the persons of a rich German baron, and his lady, (Edward and Charlotte), who it would seem had made some years before, what is commonly termed a well assorted match, and who at the opening of the novel are

living together very happily on their estate in Germany. The country seat is the scene on which, the few events of the novel happen; and as it is supposed to be very extensive, its various beauties give rise to numerous descriptions of nature. These indeed constitute one of the principal merits of the work, and we might compare them to those correct delineations of nature so often found in the painters of still life.

The worthy possessors of this beautiful seat appear every way suited to pass a life of affluence and ease together, while their tastes are apparently the same, and their principal amusement consists, in improving and ornamenting the place of their residence.—A happy equilibrium of power also in the management of the household, seems to have perfected their connubial happiness; for, at the opening of the tale, the husband has been informed that the friend of his youth, a captain in the army, had met with some domestic misfortunes, and he is desirous of offering him an asylum at his castle, but he previously thinks it necessary to consult his wife, who on her part, suggests many very sensible reasons for supposing that the harmony of their domestic arrangements, might be disturbed by the introduction of a third person, as an inmate of their mansion. She however, finally makes this concession, on condition of a similar one on his part, which is the permission to withdraw from school an orphan niece, in order that she might serve as a companion for her, during the hours which the baron would necessarily be obliged to devote to his friend.

The reader no doubt perceives that this friend, and niece Ottilia, are destined to disturb all that harmony which seemed so happily established; and indeed no sooner are they established at the castle, than the unfortunate moral attraction begins to operate between Edward and Ottilia,—Charlotte and the captain.—In plain English, they fall in love with each other. The progress of this passion (interrupted by no event, except a visit from a German count and baroness, and the celebration of Ottilia's birth-day), occupies the whole of the first volume.

Such a state of things could not of course last long without coming to a crisis of some kind, but by means of the prudence exercised by Charlotte, (who throughout the novel, performs a secondary, but certainly the most respectable part), it is so arranged, that the friend, finding himself unable to combat the violence of his passion for the baron's wife, otherwise than by absence, leaves the castle; and the wife on her part, conscious of having performed her duty, informs her husband that she has observed his love for Ottilia, whom she wishes in consequence to remove also from the castle. Edward, retal-

led in some measure to virtuous reflection, by this conversation, judges it to be improper that Ottilia and himself should continue under the same roof, but at the same time generously determines, that the innocent girl should not be again thrown upon the world, through his folly. He therefore abandons his house, leaving a letter for Charlotte, in which he signifies his desire that Ottilia should remain where she was, and promises that he will not attempt to hold an intercourse with her *as long as she continues under his roof*, and no longer; thus securing her an asylum, by making her stay at the castle a guarantee for his future good conduct.

This *tête-à-tête* between a slighted wife and the object who, by robbing her of her husband's affection, had broken in upon the felicity of her life, would seem rather an awkward one; but the good disposition of the wife, aided perhaps by a consciousness of a similar weakness on her own part, and the innocence of the niece, who loves her benefactor almost without knowing it, as she blends the sensation with that of gratitude, and is ignorant of the cause of his sudden departure, reconciles them together.—Time passes imperceptibly—the improvements of the country seat continue, and occupy Ottilia's attention, while Charlotte's cares are soothed by the birth of a son, who promises to be the tie, which shall in future again unite her to her absent husband.

This child by a strange conceit, is made to resemble Ottilia about the eyes, but is like the captain in its other features, as if its formation had been influenced, by the predominant passions of the father and mother. There is a mixture of absurdity and indelicacy in this idea which disgraces the work, and which we think, can be tolerated by no nation, that has any pretensions to taste.

In the course of the second volume, the author endeavours to develop more fully, the character of his heroine Ottilia, and as, in this sedentary country life, it would have been difficult to do so by actions, he attempts to give the reader an insight into his conception of her character, by extracts from her journal. We think he could not have devised a more unfortunate method; for, in the first place, it is very unlikely that a young person whose life has been divided between a residence in a boarding school, and at her aunt's country seat, should ever imagine to write a journal; but if she did, she certainly could not fill it with detached sentences, and ideas of such a nature, as could only result from an intimate knowledge of men and manners, and in which it is perceivable, that the melancholy impressions of declining age, prevail more than

the lively illusions of youth. After all, Otilia is nothing more than a beautiful school girl, by no means likely to inspire a man "im besten mannesalter" as Edward is described to be, in the first part of the work, or to derange the whole course of a life, apparently so well settled in the enjoyment of domestic virtues.

A visit from an English lord and his friend who are on a tour through Germany, leads to an episode in a little tale, which the former relates to his fair hostess. It is told with all that grace which Goëthe so eminently possesses, and is, as far as we know, original. It is intitled "The Neighbour's singular Children."

Two neighbours have each a child, a boy and a girl, who are suffered to grow up together, with the idea of being one day united in marriage. The views of the good parents are, however, frustrated by a mutual hatred which is enkindled in some of their childish sports, and which unfortunately augments with their years. They are therefore separated, and the boy enters into the army, where he advances rapidly in rank.—Meanwhile a matrimonial engagement is entered into by the young lady, who is on the point of marriage, when the youth returns on furlough to visit his parents, and mixes in the festive parties which precede the nuptials. They are both struck with their mutual improvement, and by degrees their former hatred changes into love. The young neighbour on his part harbours no design against the bridegroom, with whom he is on terms of friendship, but the intended bride, seeing no means by which she can avoid the dreaded union, determines to destroy herself. This she endeavours to effect on a sailing party, when throwing a garland as a keepsake to her former enemy, she leaps overboard. He instantaneously leaves the helm, at which he was stationed, and throws himself after her.—They are both carried a considerable way by the current, but at length he conveys her senseless to a small island, where they are received by a newly married pair who had established themselves there, and are the sole inhabitants.—By these peasants they are furnished with every thing necessary. In this delightful solitude, and while they are still bewildered with the rapidity of the succession of events, that had conducted them there, and as if by magic, changed their nuptial suits for the simple dress of peasants, they exchange vows of mutual constancy. Meanwhile the vessel, which had been in imminent danger from having been so suddenly abandoned by

her steersman, arrives at the island in order to inquire after the fate of the lovers whom they conclude to be lost. Surprise and joy supersede every other sentiment, and the long wished for union is acquiesced in by all parties.

While the seasons are thus succeeding each other in uninterrupted peace at the castle, Edward has been leading the wandering life of a soldier, has endeavoured to forget Ottilia by meeting the foe in the hottest of the fight; has even sought for death in despair of ever being united to her; but all in vain; and finding it impossible to resist that fatality which impels him towards the object of his affections, determines no longer to contend against it.—In a conversation, therefore, with his friend, now risen to the rank of major, he informs him, that he is aware of the reason of his abrupt departure from the castle, and that circumstances now concur to permit a return to it. The result of this interview is, a determination to brave the opinion of the world, and to consult their own wishes, in a double marriage.—Edward is to be divorced from his wife, and make immediate use of his freedom by uniting himself with Ottilia. Urged on by hope, and anxious to gain the consent of the two other parties, the friends immediately turn their steps towards Edward's home.—He waits at a neighbouring village, while the major proceeds, in order to impart this scheme of divorce and marriage to Charlotte. In the interval, the baron, unable to resist his impatience, steals along an unfrequented path into his park, and is led away by the contemplation of the scenes that retrace past circumstances to his mind, until he arrives at a spot near the lake which Ottilia had selected, in order to enjoy the beauties of the evening.—He sees her again for the first time, seated under the shade of a spreading oak; a book is in her hand, and Edward's infant child playing by her side.—In raptures at this unexpected meeting, the baron explains to her the plan in agitation, and informs her of the major's embassy to the castle, but the generous girl pointing to his little son as a bar to his wishes, will not listen to his entreaties, and declares that their fate must depend entirely on the decision of her benefactress. The sun is fast declining, and at length Edward, yielding to the fears of Ottilia, tears himself away from her, while she ventures to cross the lake, instead of following the path that leads round it, fearing that Charlotte might suffer from anxiety at the unusual absence of the child. She enters a boat with the child on one arm, and endeavours to ma-

nage the oar with the other.—The effort is too great, and the child slips from her arm into the water; the oar floats one way, while the boat is carried another, into the middle of the lake, where it remains stationary. Here Ottilia sits, in mute despair at the impossibility of getting immediate relief for the dying child, which lies senseless in her arms, and which she endeavours by every means that her memory can suggest, to restore to life, but fruitlessly. This scene of horror is well described, and as it is managed with the hand of a master, conveys a dreadful picture to the imagination;—in order to do justice to it, we will give it in the original German.

Die Sonne war untergegangen, und es dämmerte schon und düftete feucht um den see. Ottilie stand verwirrt und bewegt; sie sah nach dem berghause hinüber und glaubte Charlottens weisses kleid auf dem altan zu sehen. Der umweg war gross am See hin; sie kannte Charlottens ungeduldig harren nach dem kinde. Die platanen sieht sie gegen sich über, nur ein wasserraum trennt sie von dem pfade, der sogleich zu dem gebäude hinaufführt. Mit gedanken ist sie schon drüben, wie mit den augen. Die bedencklichkeit, mit dem kinde sich aufs wasser zu wagen, verschwindet in diesem Drange. Sie eilt nach dem Kahn, sie fühlt nicht das ihr Herz pocht, das ihre Füsse schwanken, das ihr die sinne zu vergehen drohn.

Sie springt in den Kahn, ergreift das Ruder und Stoset ab. Sie muss Gewalt brauchen, sie wiederholt den Stoss, der kahn schwankt und gleitet eine strecke seewärts. Auf dem linken arme das Kind, in der linken hand das Buch, in der rechten das Ruder, schwankt auch sie und fællt in den kahn. Das ruder entfæhrt ihr, nach der einen seite, und wie sie sich erhalten will, kind und buch, nach der andern, alles ins wasser. Sie ergreift noch des Kindes gewand; aber ihre unbequeme lage hindert sie selbst am aufstehen. Die freye rechte hand ist nicht hinreichend sich umzuwenden, sich aufzurichten; endlich gelingt's, sie zieht das kind aus dem wasser, aber seine augen sind geschlossen, es hat aufgehört zu athmen.

In dem augenblicke kehrt ihre ganze Besonnenheit zurück, aber um desto grosser ist ihr Schmerz. Der Kahn treibt fast in der mitte des sees, das ruder. Schwimmt fern, sie erblickt niemanden am Ufer und auch was hätte es ihr geholfen, jemanden zu sehen! Von allen abgesondert schwebt sie auf dem treulosen unzugänglichen elemente.

Sie sucht Hülfe bey sich selbst. So oft hatte sie von Rettung der ertrunkenen gehört. Noch am abend ihres geburtstage

hatte sie es erlebt. Sie entkleidet das kind, und trocknet's mit ihrem Musselgewand. Sie reisst ihren Busen auf und regt ihn zum erstenmal den freyem Himmel; zum erstenmal drückt sie ein lebendiges an ihre reine nackte Brust, ach! und kein lebendiges. Die kalten Glieder des unglücklichen Geschöpf's verkälten ihren busen bis ins innerste des Herzens. Unendliche thränen entquellen ihren Augen und ertheilen der oberfläche des erstarrten einen schein von wärme und Leben. Sie lässt nicht nach, sie überhüllt es mit ihrem schawb, und durch sheicheln, und rücken, anhauchen, küssen, thränen glaubt sie jenes hülfsmittel zu ersetzen, die ihr in dieser Abgeschnittenheit versagt sind.

Alles vergebens! ohne Bewegung liegt das Kind in ihren Armen, ohne Bewegung steht der Kahn auf der wasserfläche; aber auch hier lässt ihr schönes Gemüth sie nicht hilflos. Sie wendet sich nach oben. Knieend sinkt sie in dem kähne nieder und hebt das erstarrte kind mit beyden armen über ihre unschuldige Brust, die an weisse und leider auch an kälte den marmor gleicht. Mit feuchtem blück sieht sie empor und ruft hülfe von-daher, wo ein zartes herz die grosse fülle zu finden hoffte, wenn es überall mangelt.

Auch wendet sie sich nicht vergebens zu den Sternen, die schon einzeln hervorzublicken anfangen. Ein sanfter wind erhebt sich und treibt den kahn nach den platanen.

Surgical aid is however procured in vain, and nothing can restore the child. The major, whose projected interview with Charlotte, had not taken place in the morning, finds her in the evening watching the corpse of her infant, and supporting Ottilia, who lies in a trance by her side. The awfulness of this scene, does not however, prevent him before his departure in the morning, from expatiating on Edward's romantic plan, does not prevent Charlotte, although she is in the act of watching her lifeless infant, from listening with some degree of pleasure to a scheme destined to sever her from its father; and giving in some degree her acquiescence.—This may be the force of fate, but it is not nature,—and indeed we think this weakness might have been spared Charlotte, who throughout the work, had been represented as acting a very prudent and upright part. But Ottilia who is soon after restored to her senses, persists in rejecting this plan, which it seems she could overhear, although she was bereft at the time of all sense of motion.—She considers this series of misfortunes as a judgment from heaven, and determines to leave the castle. Ed-

ward by chance meets her at an inn, and conducts her home again. She then takes the singular determination of never speaking again, and of starving herself; which she effects.—The funeral scene is well described. Edward dies of a broken heart, and we are left to hope, that the major and Charlotte do not also experience this dreadful catastrophe.

We have not noticed a character which is not very new, and performs we think, a useless part throughout the novel. He is introduced under the name of "Mittler," literally "mediator," whose only occupation is to make up the differences in the neighbouring families. Such a character could only be comic or unimportant. It is not meant as the former, because it would have interrupted the general harmony of a sentimental novel.

We have also omitted to speak of two other interlopers, or episodic personages; the one a teacher of young girls, who falls in love with Ottilia, at her boarding school; the other an architect, who is scarcely less favourably disposed towards her.—The author appears to have introduced them, as machinery for the erudite part of his poetical novel.—The tutor makes learned remarks on the character of the sex, and descants scientifically on education. The architect does still more; he builds; he paints; he decorates; he instructs us solemnly, that when an amateur shows us a collection of engravings or original drawings, we must hold each leaf carefully, with both hands, lest the paper should be rumpled or break.—The major on his side, proves himself no less skilled in the art of English gardening, and the embellishment of rural scenery.—He and Edward are acquainted with all the modern discoveries in chemistry, and pronounce, in effect, a very fine dissertation upon chemistry, without which it would be impossible to comprehend the title of the novel. The author is so desirous of displaying his scientific acquirements, that he makes his heroine repeat, (with the most perfect success) the experiments of Ritter on the oscillations of the pendulum.

There exists throughout the work, a vein of superstition which we are, perhaps, authorized to trace, to the author's private creed on that subject. The superstitions to which we here allude, are not such striking instances as would appear to have been selected from the popular belief, in order to add to the interest of the story, by the mystery of supernatural agency, but such quiet incidental ones as could only have been created in the breast of a person of nice observation and poetic imagination; who has fancied a relation between some accidental occurrence, and the events of a life devoted to meditations

We think we have observed this in the works of several persons of vivid imagination, and to consider it in this light, gives an interest to that which would otherwise appear frivolous. Of the same nature is the recurrence of the light cloud, that partially obscures the moon, in the novel of *Corinna*, and which she imagines to be the forerunner or concomitant of every misfortune of her life;—it becomes at the close of the tale a fine accessory in the well executed picture, of the dying moments of the heroine.

The man who is more occupied with the common concerns of life, than a person as abstracted as a literary character can be, knows the fallacy of these signs, and laughs at them, without perhaps being aware, that the want of the prejudice, deprives him of pleasures of the sublimest nature.

That a man of a contemplative cast of mind, should believe in the return and presence of departed friends, or multiply in any way the chain of invisible agencies, (superstitions which if they do not make him a greater, will probably make him a better man) is very excusable; and that he should make them the ground work of a novel, or introduce them incidentally is equally so.—That these superstitions are not able to stand the test of ridicule, is by no means a proof of their wanting interest. For example, the incantations of the witches in *Macbeth*, if read in the closet, or considered in detail, appear to be a series of such absurdities, as could only proceed from a disordered brain; and yet I think few persons of imagination have seen the tragedy performed, without being moved by the mystery, which prevails in the midnight meetings, of these wizards of the air.

With all our inclination however, to approve of the introduction of these accessories in fictions, we own we could not help smiling at several of those which are made use of in the volumes before us;—for instance at Edward's impression, (nay firm conviction) that his fate was eternally allied to that of *Outilia*, merely because a glass, on which the initials of their names were inscribed, fell to the ground without being broken, after being thrown up in the air. This and several other puerilities are only to be tolerated on the ground we have taken; that is, a supposition of the influence of private feeling.

Not so however, the general belief in fatality which reigns throughout the work, and the general oblivion of every thing like a consolation derived from religious motives.—If the author has grown old in the persuasion of the one, and with the want of the other, we sincerely pity him.—We do not recol-

lect to have experienced in the perusal of any fiction, a deeper impression of sadness, than throughout the one before us. A reader is for the moment, whatever an eloquent author chooses to make him. It is only when he has laid down the volume, and his mind is released from the fine spun web of eloquence, that he returns to his original rectitude of thought, and scans the imperfections of his author's theory. Let the predestinarian read this novel, and see what becoms of four amiable persons, merely because they surrender themselves without an effort, to what they imagine to be the inevitable decrees of fate.

We believe that there are very many middle aged men, who after having passed like Edward through the bloom of youth with an amiable wife, would be afterwards tempted to neglect her somewhat faded charms, in order to fall in love with any pretty niece whom she might introduce into their house. We believe that there are many wives who would exchange what they suppose to be the monotonous society of middle aged husbands, for that of a young officer having the attraction of novelty. But we also believe, that all this, instead of proving the force of fate, would be merely the result of disordinate passions; while on the contrary, a due submission to the laws of society and of God, a proper sense of right and wrong, and a religious determination to pursue the one and avoid the other, will effectually combat what many please to call the irresistible decrees of destiny, and will lead the christian gently through the path of life, instead of inducing him to err, in following blindly the impulse of his passions;—by finding an excuse for weakness in fatality.

Before we bid adieu to Goëthe and his novel, we should say something of the general character of the work, and of his leading merits as a writer.—From the outline which we have already given of the “*Elective Affinities*,” our readers will perceive that it is replete with incongruities, with extravagant conceptions, and the most improbable incidents. The episodes, digressions and dissertations, form the most considerable part of the volumes, and have no immediate connexion with the principal story.—It is said to be the secret of the German compositions of this kind, that they should be in every sense poetical; that the author should gratify you with an epoece full of episodes and rich in the marvellous, under the modest title of a novel. They are at the same time made a vehicle to exhibit his learning on all topics of cotemporary science.

Such seems to have been the plan of Goëthe in this instance. Some of his superstitions are even more gross than those we

have mentioned;—such, for example, as the restoration of the life of Ottilia's maid, after she had thrown herself out of a garret into the street, through sorrow for the death of her mistress, by the accidental contact of the two bodies; a miracle which makes Ottilia pass for a saint in the surrounding country, and is but the precursor of many more performed at her tomb.

We need not dwell on the immoral tendency of this novel. There is, in many parts, a total want of delicacy. Among the supernumerary actors, are a baron and a countess casual visitors at the castle, whose situation may accord with German refinement, but is not likely to conciliate universal favour.—They are represented to have been, for a long time, enamoured of each other, although married to different persons, and console themselves for the obstinacy of one of the latter in opposing a divorce, by travelling *amicably* together. The complexion of their discourse, and the doctrines they preach, are perfectly in unison with their *easy* and *unprejudiced* character.

In spite of the glaring defects which we have noticed, the present work is powerfully attractive, and evidently from the pencil of a master. The style is of finished excellence; remarkably pure, and as perspicuous as the subject and the German idiom will permit; the dialogue is skilfully managed, and the portraiture of manners no less interesting than accurate. Many of the author's reflections are equally profound and just. His descriptions, in which he appears to take particular delight, would be perfect, if they were not somewhat too minute. The beauties of his style and manner arise, however, chiefly from a peculiar talent of seizing, in his descriptions, with elegance and simplicity, all the little characteristic features, springing out of, and essentially belonging to, the spirit of his scene, his situation and his subject. This circumstance gives to his narrative an irresistible dramatic effect. While the physical eye sees but words, the mental gazes on a canvas, slowly drawn along;—not, indeed, on a canvas—for life itself and reality may be said to be present.

Goëthe does not exactly tell you what happened;—you see it occur.—Your imagination becomes at once engaged with the actors, or the persons implicated in the *dénouement*, and remains so rivetted, that the illusion never abates;—that you never perceive you are but reading. There are passages of Goëthe, which you might peruse at sea, during a squall, almost without being sensible of your situation.—They absorb you, like a game of chess, when the board becomes intricate, or like the sight of the Falls of Niagara, which, stunning and overcoming the beholder, have to our knowledge, in more than

one instance, excited a momentary desire of mingling with the roaring torrent.—And when you analyse this extraordinary effect, you find it always owing to this, that Goëthe never leaves unnoticed the smallest circumstance which depicts, and rarely suffers your attention to languish, by noticing any which are irrelevant.

Goëthe once, at the request of some friends, and to show the force of his talent in this respect, chose for his subject, the festivity of a carnival at Rome. His description makes a little book of itself, which, we believe, nobody ever laid down, after having taken it up, without finishing, and which leaves you in a state of Bacchanalian delirium;—in a condition of mind from which you do not, for some hours, recover. Yet there is not, in the whole picture, one word which could be left out; not a single *finely-wrought* sentence; not an expression betraying that the author thought of himself. He tells you simply what passes, but he tells it in such a manner, that you are all the time of the party. You feel the air in motion with the speed of the running horses:—You suffocate in the crowd pressing forward to see which wins;—the “*sia amazzato*” assails your ear.—You try to save your candle on one side, and meet a Cerberean mouth ready to blow it out on the other.

But it is time for us to have done with Goëthe, of whose genius we can never speak without enthusiasm, however much we may be disposed to reprobate his extravagancies, as well as those of the dangerous sect of metaphysic-sentimental poets and novelists in Germany, of whom he is the leader.

A very different kind of tribute from that which we deem suitable to the metaphysics of the Kantian school, and to the works of imagination published by the Germans, is due to their labours in classical erudition, in antiquities, in ancient geography, and in history both profane and ecclesiastical. The cause of knowledge is infinitely indebted to them, for what they have achieved in these pursuits, even within the few years past, notwithstanding the sanguinary and troublous wars, of which their country has been the theatre during the same interval.—Their researches are no less remarkable for depth and extent, than for accuracy and method, and have been communicated to the world, in a variety of forms, admirably well calculated to facilitate the studies of those, who may engage in the same career, and to perpetuate the fruit of their own toil, together with that of their predecessors.

Some idea may be formed of the activity of their minds, from the fact, that Germany could boast, in 1809, of no less than two hundred authors of merit in the branches of knowledge

enumerated above, whose works published during the three years immediately preceding, amounted to the number of five hundred.* These are all circumstantially noticed in a French volume, which we have now in our hands, intitled "A Report made in 1809 to the third class of the Institute of Paris, on the actual state of Ancient Literature and History in Germany."—The author of this Report, Mr. Charles Villers, is himself a man of considerable learning, and lived for several years among the Germans, in habits of close intimacy with their scholars.—In his Introduction, he discusses the causes of the peculiar character, which distinguishes the severer literature of the Germans, and of the singular zeal and success, with which they prosecute erudite studies of every description. The subject is curious, and his observations are for the most part well-founded, and instructive. In the belief that they will prove acceptable to our readers, we shall not be deterred by their length, from inserting a translation of them, as the conclusion of this article.

"Let me be permitted," says M. de Villers, "before I enter upon my task, to state as briefly as possible, what are the local circumstances and the peculiar notions, which give a distinctive character to the erudite literature of Germany.—As long as science spoke the same language throughout Europe, as long as the Latin was the common tongue of the learned, nearly the same spirit prevailed among them, and their labours had nearly the same direction. But since the custom of writing in our vernacular idiom, has introduced itself, the European literati have by degrees ceased to form a common family, or cast.—They have become in some manner isolated in their respective countries, and have confined their views to their own countrymen, whose taste and appetite they must necessarily consult, and from whom they must experience that reaction, which always obtains between a writer, and his public.—Hence has arisen in the bosom of each nation, a particular mode of cultivating the mind; a local fashion in the study of the sciences."

"Nature, in raising an immense barrier between the nations of the continent, seems to have divided them into two distinct races, whose temperament and character differ very materially.—The first, which may be denominated the *Gallic* race, occupies the South and West of the great chain of the

* The following statement is made in one of the *Moniteurs* of 1811. "The last catalogue of the fair of Leipsick has revealed to the learned world that there are now in Germany no less than 10,243 authors, full of health and spirits, and who print at least once a year."

Alps, and of the bason of the Rhine.—The other, the *Germanic*, stretches to the East and North of the same barrier. Whatever on either side, does not belong, in point of intellectual culture, to one or the other of these principal divisions, merits but little consideration.”

“The Germanic race, whose geographical limits extend from the Adriatic Gulf, the Rhine, and the North Sea, as far as the German provinces of the Russian empire, and which includes Denmark and even Sweden and Hungary, has a peculiar literature common to the whole. The character of this literature partakes of that of the race, which is more sedate, more patient, more contemplative, more attached to the empire of *ideas*, than the Gallic character. The latter, on its part, is more lively, more inclined to adopt the empire of *realities*, and to look among them for objects, which it pursues with great eagerness. Both of these modes of being, have their advantages and inconveniences. This is not, however, the place to compare and weigh them. It is sufficient for me to show, what differences must ensue, in the intellectual labours of one and the other race.”

“What has been already said, prepares the reader for the remark, that the German exercises, in his study of languages, in his researches into antiquity, and in his manner of treating history, an assiduity, a perseverance, a scrupulous exactitude. He attends carefully to the most minute details, convinced as he is, that every observation, however seemingly unimportant, belongs nevertheless to the *ensemble* of knowledge, and may even throw unexpected light upon some part or other. The value he affixes to things which may appear superfluous to others, makes him communicate readily all that he knows.—This minuteness often carried, as it is, to an excess, and fatiguing for the reader who takes but a slight interest in such close researches, has occasioned the imputation of pedantry to be attached to the labours of the erudite in general, and especially to those of the German scholars, while the latter have stigmatized works written in any other than their own way, as light and superficial.”

“Besides this kind of literary conscience, and scrupulous rectitude, which distinguish the German scholar in his studies, another important circumstance is to be taken into view;—that he labours neither for a court, nor for a public fashioned after a court, who make elegance, and refined taste indispensable conditions to the success of any work of the mind. The greater part of the courts of Germany speak and read in French, and are almost strangers in their own country. The German

writer, then, looks for his public in the nation itself, which is uncontrolled, and over which the *ton* of the court, and of the fashionable world, can exert no influence. This nation or rather the several nations, who constitute the German public, contain a very great mass of information; or rather, what is the same thing, a very large number of enlightened and well-educated men. The German literati are consequently tried by their peers; they are tried severely indeed, but with sufficient equity, by a numerous public, who comprehend the spirit, and appreciate the nature of their labours."

"These literati, and this public, do not live, in great cities, and still less, heaped together in one capital, under the tyrannical yoke of a conventional taste, of fashionable opinions, and of a crowd which has no wish but to be amused, or interested. The German scholar is insulated from what is called the world; his public, as I have said, is spread over a vast territory;—from Berne to the gates of St. Petersburg. He has, therefore, nothing to do with a local spirit, endued with the strength which is derived from great concentration. The multiplicity of the different countries in which he is read, does not allow of this. The local taste of one spot is neutralized by that of the rest; so that, on one hand, the public judges with a tolerably great share of liberality, and on the other, the *savant* enjoys the most perfect independence in his labours, and is entirely exempt from all influence foreign to his studies, or his meditations. Hence it results that of all others, the erudite writers of Germany are perhaps those, who have the most truly classical *tact*, and who modernize least the antique.—Hence also the facility with which they possess themselves, of the spirit of nations and ages, so different from those which we see before us. Hence their real and solid success in antiquarian researches; in the interpretation and translation of the ancients, particularly of the Greek authors."

"There is, without doubt, another circumstance which has contributed, to the proficiency of the Germans, in the interpretation of the ancients; I mean, the obligation which the protestant countries of Germany conceive to rest upon them, of investigating thoroughly the sense of the Holy Scriptures;—both of the Old and New Testament. The interpretation of the Hebrew books of the Bible, conducts those who devote themselves to it on a large scale, into the very sanctuary of oriental literature; as that of the Greek books, leads to an intimate acquaintance with the Greek and Roman world.—These studies when they become the favourite occupation of a nation, are powerful stimulants and auxiliaries, to those which are conversant

about antiquity, languages, manners and history. These last again prompt to mythological researches, which now chiefly occupy a great number of the most profound men of Germany."

"The marked predilection of the Germans for religious studies has the additional effect, of determining in many cases the character of their productions. The philosopher bends his mind to theology; the historian selects for his pen the history of the church and of its divisions.—It is therefore that German literature abounds in excellent works on ecclesiastical subjects."

"I have said enough to afford an idea of the particular nature or physiognomy as it were, of the literary labours of the Germans. I should add, that, whether from the influence of the seclusion in which they live, or from an extraordinary, although natural elevation of mind, they generally love knowledge and truth, solely on account of the intrinsic value and beauty of these the great ends of their toil.—They study effect but very little, and readily sacrifice external impression to an ideal perfection,—a general advancement of the mind, which seems to be the idol of almost all of them,—which gives to their writings an eminently grave and mild cast."

"I should remark, in fine, that the general circumstance of the estrangement of the German literati, from the favour of courts, and the society of the great,—the more *popular* life, (if I may be allowed to use this term in an elevated sense,) which they lead, gives to German literature rather a republican, than a monarchical air. But ought not this to be the case? Does not the bond of the sciences which connects, as it were, all ages, countries and ranks, banish from the mental eye all social inequalities? Even the phrase, *Republic of Letters*, is so entirely consecrated by universal assent, that princes the most jealous of their power, have heard and repeated it without repugnance. In this erudite republic of Germany, no one place can possibly enjoy a preponderance over the rest; there can be no confederacy to outshine, or cast others into the shade; there is no point or centre where a body could be established, invested with an authority and lustre such, for instance, as inhere in the Institute of France."

"The four classes of the National Institute of Germany, are dispersed throughout the whole nation. The members of this Institute are to be found in the smallest schools of cities containing two thousand souls; in country parsonages; in universities, and private academies. You will find a celebrated scoliast inhabiting a country town; a great astronomer passing

his life in a village. If something be thus lost as to what we call taste, for which, under such circumstances, there can be no fixed standard or common centre, much is gained on the score of freedom and originality of sentiment. Opinion is energetically opposed to opinion, school to school, and by this collision, unexpected light is frequently elicited.—If the celebrated Wolf suggests, at Halle or at Berlin, an idea concerning an ancient author, which appears too bold, an antagonist immediately springs up at Copenhagen, Gottingen, Frankfort, Meissen, &c.—The whole of this classical public takes part in the discussion, and encourages the disputants; a number of learned journals disseminate their arguments, and on every side new light is thrown on the question, by anonymous essays from the ablest hands.”

Z.

Travels in various Countries of Europe, Asia, and Africa. By Edward Daniel Clarke, LL. D. Part the First. Russia, Tartary and Turkey.

WE know not that we ever experienced, as literary *gourmands*, a severer disappointment, than in the perusal of Dr. Clarke's *Travels in Russia*, which have been recently reprinted in this country from the English edition. In England, long before the volume was published there, we heard the most sanguine predictions, with respect to the delight which it was to afford universally. We were then taught to believe, that Dr. Clarke was preparing a banquet for the public, which would gratify the most fastidious palate, and win over the most splenetic epicure. Before the work itself fell into our hands, we had read the accounts given of it, in the journals of Great Britain; particularly those of the *Quarterly* and *Edinburgh Reviews*.—Our expectations were, indeed, somewhat abated, by the extracts with which we were furnished, and by the strictures of the *Quarterly Review*, which, however, although they detect many serious blemishes in Dr. Clarke, are, for the most part, in a strain of warm commendation.

In reading the *critique* of the *Edinburgh Reviewers*, we made every allowance, for the bias they were likely to receive, from the circumstance of their having, two years before, pledged themselves as it were, for the infallibility of their author, and from the perfect coincidence of his opinions, with those, which they had uniformly maintained, on the subject of Russia.—We were quite aware that they must strongly relish any bitterness of invective against the Russian government and nation, after what they had advanced concerning both, in their review of Rulhiere's *History of Poland*; and particularly after the promulgation of the following sentiment contained in their 28th Number. "Considering how little the Russian power has shown itself capable of effecting for the salvation of Europe—how wretched is the state of its subjects under the Russian government—how trifling an acquisition of strength the common enemy could expect to obtain, from the entire possession of its resources; we acknowledge that we should contemplate with great composure, any change which might lay the foundation of future improvement, and scatter the forces of France over the dominions of the Czars!!!"*

* Review of Lord Sheffield, and others, on foreign affairs.

Notwithstanding our recollection, of the existence of such obstacles as these, to perfect impartiality on the part of the Edinburgh Reviewers, and the other discouraging circumstances we have mentioned, our hopes with regard to Dr. Clarke, were sustained, by the singularly positive tone, and affectionate tenor, of their panegyric, on this long ordained apostle of light. From our personal knowledge of the Scottish critics, and our intimate acquaintance with their writings, we did not think that the feelings of party, or that pre-conceived opinions of any kind, would ever exert an influence over them, so strong and sinister, as to disarm, not only their usual severity, but their characteristic sagacity, and to betray them into such imposing encomiums as the following, on any but one, who possessed, at least an extraordinary share of merit.—They state “that all they had anticipated from the adventurous spirit and known abilities of Dr. Clarke has been fulfilled;”—that “in a long and laborious progress through countries little visited, or much misrepresented by others, he has observed carefully, and often wisely;”—“has plainly and sensibly related his adventures;”—“has given a fair transcript of the impressions made upon him by what he saw and heard;”—“that he is extremely free from the sins of affectation;”—that they have nothing to reprehend in his book “but a few venial oversights,” and to crown all,—“that he certainly unites more of the qualifications essential to his difficult calling, as a traveller, and proceeds in the compilation of his journal, and the digestion of his narrative, upon far sounder views of the nature of his duties, than any one whose labours had come under their notice!”

We did not imagine that those who themselves, as critics, undoubtedly combine “more of the qualifications essential to their difficult calling, and sounder views of the nature of their duties,” than any others of our numerous fraternity, would have bestowed this “the highest meed of praise” for transcendent merit in any vocation, on an author not in some degree worthy of the boon; and have attached the most authoritative of recommendations to his writings, if these were not, in fact, finished patterns of scrupulous accuracy, and judicious composition. We were unwilling to admit, the possibility of this unhallowed allotment of their favours in any case, and particularly in one, where the point at issue, is of such vast importance, as whether, not simply a few individuals, but a whole nation, consisting of thirty millions of inhabitants, and claiming a place in the ranks of civilization, is to be considered as scarcely entitled to the epithet of human, and as wallowing universally, in the

vilest pollutions of the most sensual barbarism, and the most abject slavery; for such is the true amount of the charge which Dr. Clarke prefers against Russia, and which it is the object, of almost every paragraph of his work to confirm.

Under the impressions we have here stated, we took up the Travels of Dr. Clarke with unusual avidity, but had not read many pages, before we began to suspect, that we had been miserably deceived.—As we proceeded, our disgust increased, and after wading through the whole volume, we closed it with the conviction, that the author was the very reverse of what he is represented to be, by his Edinburgh friends. We found his work throughout, a malignant, elaborate and yet awkward libel against a whole people, of whom he, in fact, personally, had, if we may judge from the *particulars* of his own narrative, but little reason to complain, although he would fain exhibit himself, as the victim of their pretended ferocity and rapaciousness.—We found him not only grossly deficient in common candour, in gratitude, and in manly sense, but in consistency, in method, in general scientific knowledge, in intelligent observation, and even in the vulgar merit of a tolerably good style:—filling his pages with the most puerile and slanderous anecdotes; falling into the most palpable and immediate contradictions; repeating verbatim in several instances, whole paragraphs of his coarse invective; outraging all taste and decency in a multitude of his phrases;—surfeiting the reader with peevish, jejune stories of his own fictitious martyrdom; violating, in fine, every rule of sound logic and fair accusation, by sweeping anathemas, and the most vague generalities.

We deemed all this the more extraordinary and unpardonable, as Dr. Clarke had enjoyed, in the space of eleven years, which elapsed from the period of his residence in Russia, until that of the publication of his work, full time to correct whatever inaccuracies of language or relation, might have crept into his journal in the haste of itinerary composition. He had wanted for none of the advantages, requisite to enable him to tranquillize his mind into a state of philosophical equity, to chasten the *outré* colouring, and to temper the excessive asperity, and immoderate latitude of censure into which he might have been originally betrayed, by what we would readily allow to be, excusable sentiments of indignation, however warm, on the supposition, that he had been really plundered and maltreated by the Russians, to the extent implied in his general declarations, although by no means proven in his few and equivocal examples of the fact. He had, besides, in the long interval we have mentioned, ample

leisure to recollect and describe, what he saw in Russia of a praiseworthy nature; to draw from his memory and to recite, in the benevolent spirit and with the ingenuous alacrity of a philanthropist, many more exceptions than the few he has so reluctantly and penuriously made, to his general accusation of superlative barbarism and depravity; for, common sense will not endure even the supposition, that, among a nation so populous as the Russian, and circumstanced as she has been for many years past, there is nothing to be extolled; scarcely a single instance of moral or intellectual worth; of ordinary refinement in manners or in feeling. So monstrous and incredible a tale can argue, in the person who would thus write or talk, nothing other than downright stupidity, or premeditated slander, or the most narrow prejudice. It must, in the estimation of all judicious men, defeat its own purpose, and recoil upon the narrator.

Our opinion of Dr. Clarke's book was so opposite to that of our brethren in England, that we could not but distrust even, as it were, the evidence of our humble intuition. We were, therefore, induced to consult some of the most intelligent and impartial of our literary friends, who had read the work with attention. We discovered that they concurred fully in our decision, and were no less indignant than ourselves, at the unparalleled license with which the author has availed himself of his character of a travelling antiquary, to vilify an immense people for the gratification of his private resentments, and at the hardihood with which he has attempted to mislead the British public, and the world, upon the strength of the reputation for general ability and knowledge, which he had so undeservedly acquired, by his proficiency in archæological studies. In our estimate of the accuracy of his statements, we are moreover, guided by the information we have industriously collected, from other sources of at least equal authority. We allude to the previous narratives of English and other travellers, and particularly to the copious verbal accounts, we received in Paris, and in London, from men of the highest respectability, whose opportunities were much more favourable to correct observation than those of Dr. Clarke, and who, certainly, like ourselves, are very far from being disposed to exaggerate the merits, or to overrate the resources either of the Russian government or people.

We do not propose to adduce at present, any examples from Dr. Clarke's book, in support of the opinion we have expressed above, concerning its literary merits.—The undertaking would

lead us further, than our limits and leisure will allow us to go. It would, indeed, be superfluous as regards the majority even of his American readers, whose taste and discernment are sufficient, without our aid, to conduct them to very sound conclusions on this point. The case, however, is somewhat different with respect to the paramount concern of his accuracy and good faith, which, although much more than suspicious on the very face of his statements, require, perhaps, for the instruction of a certain class of readers, to be tested by a particular analysis. Here fortunately we can produce, from much more competent hands than our own, what we deem quite adequate for the purpose.

A Russian gentleman, now resident in this country, has furnished us with an investigation of these topics, under the title of "*Observations on the first Volume of Dr. Clarke's Travels;*" which we have, with great cheerfulness, undertaken to communicate to the public, and to which the remarks we have made with respect to the work, are to be considered as merely introductory. This able auxiliary has accomplished all we could desire, although he has still left untouched, ample materials for much more voluminous criticism, and still severer reproof.—He does not, indeed, profess to expose all the errors of the Cambridge professor,—a task which would be endless—or to examine them in regular order;—a mode of proceeding not necessary in a case, wherein it is simply essential, to show by a few prominent, and convincing illustrations, what degree of credit is due, in general, to the representations of such a traveller as Dr. Clarke.

Before we proceed to occupy our readers with the "*Observations,*" we ought to say a few words concerning their author, and the spirit in which they are framed. This gentleman is a native of Russia, educated in that country, and familiarly acquainted, not only with the scenes, which Dr. Clarke undertakes to describe, but with most of the remarkable personages, of whom the latter speaks. He has, moreover, travelled and resided among the most polished and enlightened nations of the continent of Europe, in the enjoyment of a society, and in the exercise of functions, peculiarly fitted to enlarge and liberalize the mind, and to divest it of all local prejudices, and blind attachments.—To the strength of judgment and the elevation of character, resulting from such accidental advantages improved with equal industry and success, he unites natural endowments of the most attractive and valuable kind, and the most extensive attainments in literature. In all

respects he is himself, a signal proof, in his individual capacity, of the injustice of the aspersions, which Dr. Clarke has cast on the universal Russian people. Upon testimony coming from a quarter like this, we may be permitted to rely, even after making every proper deduction on the score of national predilections, in opposition to whatever may be urged to the contrary, in a work, such as "*the Travels in Russia, &c.*" must in a short time appear to all our readers.

That the author of the "*Observations*" should be incensed against Dr. Clarke, and express himself in a language correspondent to his feelings, cannot be a matter of surprise or objection, when the nature of the obloquy which he repels, is taken into consideration. Nor will it be wondered at, if he be indignant at the Edinburgh Reviewers, and inclined to impeach their motives, not having enjoyed personal opportunities of appreciating their genuine patriotism, and at the same time, of observing to what an extent party zeal and system, in Great Britain as well as in the United States, are suffered to interfere, with the operations of the soundest judgment, and the dictates of the purest integrity.—The more lofty the opinion which he and ourselves entertain of the Scottish critics, of the services they have rendered to literature, and of the importance and sacred character of their ministry, the more bitterly do we deplore the perversion of their powers and labours, to ends directly adverse, we are assured, to those which it is at all times their intention, and which it has hitherto been eminently their good fortune, to promote.

As Americans we can the more readily sympathize in the wounded feelings of our foreign friend, and excuse any warmth of recrimination to which he may be excited, inasmuch as our own country has often been the subject of attacks, similar to that which Dr. Clarke has made upon Russia. English travellers,—persons it is true, of much less learning and reputation than the Cambridge Professor,—but with still baser ingratitude on their part, and as little colour of plausibility, have heaped the most odious calumnies upon the United States. Like him, they have taken as the ground of general censure, those single instances of turpitude in morals and manners, which are to be found in every country, and which, if they were sufficient to warrant the charge of universal or general barbarism against any people, would be equally effectual to prove, that there is no civilization left on earth.

On the whole, from motives which the tenor of the three preceding paragraphs must render apparent, we have thought

it advisable, to abstain from expunging or modifying, any part of the following acute and instructive dissertation. It was originally written in French. What we now print is a literal translation.

Observations on the first volume of Dr. Clarke's Travels in Russia, Tartary and Turkey.

BY A RUSSIAN.

The Travels of Dr. Clarke in Russia, have lately been republished in this country, and are said to be bought up with an avidity proportioned to the singularity of the work. The rapidity of their sale, is probably in no small degree occasioned by the exaggerations, in which the learned Doctor has indulged himself;—for, the curiosity of the public is always particularly excited by the effusions of malignity.

The great majority of those who read, adopt the opinions of others on subjects of literature, without giving themselves the trouble of examining whether these be just or otherwise. It is much more convenient to take them up ready made, especially when they are sanctioned by authority so respectable, as that of the Edinburgh Reviewers.

In all probability Dr. Clarke's book will obtain an extensive circulation in the United States, and with it will be disseminated the calumnies, of which its author is so prodigal. The unfavourable impressions, produced by the latter, will perhaps outlive the cause which gave them birth. Few persons will be disposed, after reading the work, to inquire if this writer (who is represented as a man of letters, and who calls himself a *christian*), either did or could speak the truth,—for we may doubt that it is *possible* for any individual, to acquire an exact knowledge of a country entirely new to him, the language of which too he was ignorant of, by traversing it in a post-chaise, in the short space of less than three months. The circumstances under which he found himself in Russia, were not favourable for observation.—He experienced, according to his own account, molestations which precipitated his progress, and deprived him of that tranquillity of mind indispensable for the formation of accurate remarks. Indeed the travels of Dr. Clarke resemble the flight of a malefactor, and we are tempted to compare him to one of those Parthians we read of, in history, who while urging their rapid retreat, discharged shafts dipt in poison at their pursuers.

Dr. Clarke, may, for aught we know, be a learned antiqua-

rian, but it is more easy to decypher inscriptions on mouldering monuments, than to trace with equity, the character of a nation, against which he *imagines* that he has well founded causes of complaint. Not content with telling what he has seen, he chooses to entertain us, with the exhibition of phantoms raised by his own ill humour. In consequence, the picture he has drawn of the *moral taste* of Russia, is only a disgusting aggregate of unfounded and often contradictory assertions, and of scandalous anecdotes which prove nothing, but which ought to have been suppressed, from motives of regard for the persons, who confided them to his discretion. The "*Travels of Dr. Clarke in Russia*," is a libel which deserves to be ranked in the same class with the *Memoirs of Gorani*, those of *Masson*, the travels of *Acerbi* and the letters of *Fievée* on England. They constitute a production unworthy of a man of letters.—Yet more unworthy of the learned critics who have undertaken its defence, is the applause they have lavished upon it.

Dr. Clarke, in thus impudently calumniating the Russian nation, is guilty of falsehood the more reprehensible, as it is the effect of deliberation. He is not ignorant that he may, with impunity assert that of a whole people, which it would be dangerous to say of an individual. In all countries the law is open against those who defame private characters—but to what tribunal can the Russian nation appeal against the contumelies of Dr. Clarke? Under actual circumstances, it is not in Great Britain itself, that they can look for impartial judges. In that island, is indeed to be found, a literary areopagus justly famed for the talents which its members have hitherto displayed, in the discharge of the important duties they have assumed, of detecting impostures, and enlightening public opinion.—It was to be expected that far from sanctioning the exaggerations of Dr. Clarke, offensive as they equally are to truth and to decency, these judges would have loaded him with their indignant censure;—but no! they have already pronounced sentence in favour of the calumniator, and in so doing, have violated and discredited the very principles which they had promulgated (in the review of *Acerbi's Sweden*,) as a moral code for all travellers. It will be seen in the course of these observations, that the *Edinburgh Reviewers* have been wanting in caution, (to use no harsher term), when they assure their readers, that Dr. Clarke has generally avoided the vice of most travellers—that of publishing what may injure individuals."*

* *Edinburgh Review*, No. 32, p. 362.

To account for such partiality in censors generally so severe and scrupulous, it might perhaps be necessary to ascertain, which political sect in England claims the charitable Doctor as a partisan;—for this would not be the first occasion, on which these gentlemen have been suspected, of making their literary principles subservient to their political opinions. How eagerly do they avail themselves of the testimony of Dr. Clarke to confirm their belief “of the barbarism of Russia, and its unsuitness to support a great and useful part in European affairs!” How triumphantly do they exclaim, “Such are the deeds of the people from whose interference in the concerns of civilized nations, so mighty a check has been more than once looked for, to the progress of French injustice and oppression!” Would it not seem, on reading these passages, that Dr. Clarke had advanced nothing without proof?

It is very possible that, as the Edinburgh Reviewers assert, the power of Russia and the importance of her alliance have been exaggerated in England;—but will they deny that the alliance was natural; and that Great Britain derived from it great advantages in her political combinations? When they say that too much importance, was attached to that alliance, in Lord Lauderdale’s negotiations at Paris, we regret that they have not thought fit to explain, what concessions France would have made to Britain, on condition that the latter power should abandon the interests of Russia.—It is not given to us to comprehend how a solid and honourable peace, could have been the consequence of such an abandonment. Admitting, however, that Britain did make some sacrifices in favour of Russia on that occasion, yet, assuredly, it will not be contested, that in all the alliances contracted between the two nations since the year 1799, (when Russia first took an active part in the general affairs of Europe,) she manifested all possible good faith, in the execution of the important measures, which she had concerted with Great Britain. If events did not correspond with expectation, to whom is the fault ascribable? Will the world attribute to Russia the loss of the battle of Marengo in 1800?—the capitulation of Ulm in 1805?—the disaster of Jena in 1806? With every alliance torrents of Russian blood were shed in Italy, in Switzerland, in Holland, and in Germany. Until the treaty of Tilsit terminated our connexion with England, who is so ignorant as not to know, that nearly 100,000 Russians were lost to their country, whilst their English allies were employed in conquering Egypt and Buenos Ayres?

We indulge the hope that posterity will judge with less partiality, of the causes, which have placed Europe in her actual

situation. When the calumnies of Dr. Clarke shall be buried in oblivion, after having passed through merited contempt, more equity will be manifested, in appreciating the political conduct of Russia, from the accession of its present sovereign to the date of the peace of Tilsit. During this interval at least, of which alone, it is here material to speak, we insist that the proceedings of our government were constantly no less dignified, liberal and disinterested than those of Great Britain.—We have allowed ourselves this digression, because it appears to have been one of the principal objects of the Edinburgh Reviewers, in their notice of Dr. Clarke's Travels, to justify their political opinions at the expense of Russia.—We will now proceed to point out some of the passages in Dr. Clarke's book, in which he has betrayed the most open disregard for truth.

In March, 1800, Dr. Clarke arrived at St. Petersburg.—His abode in the capital of Russia must have been of short duration, if we measure it by the chapter, which he has appropriated to the subject. He left St. Petersburg on the 3d of April, and arrived at Moscow on the 8th of the same month—having consequently travelled, in less than six days, a distance of 500 English miles. He set out from Moscow the 30th day, after sojourning there nearly eight weeks. On the 7th of June we find him at Voronesh—a distance of 444 English miles (516 versts) from Moscow. Leaving Voronesh the 12th of the same month, Dr. Clarke arrived at Tsherkask, the capital of the Don Cossacks, on the 21st.—These two cities are 411 English miles (or 616 versts) distant from each other. He remained among the Don Cossacks twelve days,—viz: from his entrance into their territory at the village of Kasanskaja, to his arrival at the fortress of Rostof on the 27th of the same month. If we deduct two days spent at Kasanskaja, four at Tsherkask, and three at Oxai, we find that this *savant* went through the whole territory in question in three days;—a distance of 280 English miles. No more than eleven days were necessary for our expeditious traveller to traverse the country of the Cossacks of the Black Sea (Tshernomorskié Cosaki), and to arrive in the Crimea—for he sailed from Taganrock on July 3d, and was at Yenishalé on the 14th of that month. The distance which he overran, after landing on the Asiatic shore, until he reached the extremity of the Peninsula of Taman, is 363 English miles (544 versts), by the route he took. Two of the eleven days he stayed at Ekaterinoder, the capital of the Cossacks of the Black Sea.

Of the whole time Dr. Clarke spent in the Russian dominions, nearly one half was passed in the Crimea. He arrived

there the 14th July, and left it by the Isthmus of Perekose about the 12th October.—Two of these three months he lived in the house of Dr. Pallas,—part of the time from choice, but more of it, in consequence of a serious indisposition.

By comparing the above dates we learn, that Dr. Clarke was about seven months and a half in Russia,—from the 15th March* to the 30th October† 1800. If we deduct two months at Moscow, as many at Professor Pallas's, and about three weeks at various other places, it will appear that the Doctor was no more than *two months* in travelling over a space of 2500 English miles.‡—We leave it to our readers to estimate the degree of correctness, with which he *can* have made observations, on the *moral character* of the Russian nation.

We have no hesitation in admitting, that there are *some* truths in the book before us. We will not deny that in the physical aspect of our country, many things must make a disagreeable impression on the mind of an Englishman. The roads do not resemble the turnpike-ways of England;—the inns are bad:—the habitations of the Russian peasants are not to be compared with the cottages of English husbandmen. Nay more; the details of administration necessarily bear, in many instances, marks of the imperfections resulting from an unlimited form of government. If our author had been content to notice only defects of this description, without confounding the personal character of the sovereign, with the habitual spirit of the government,—without establishing upon solitary facts, general opinions injurious to the Russian nation, his book would have been received with applause even in Russia. For in all countries there are useful truths, which are to be learned only from strangers. But he has undertaken to speak of the manners of the people, and to appreciate the national character, without having given himself time to become acquainted even with their leading features.—He has presumed to explain the most secret motives of conduct, in those with whom he chanced to meet, on the suspicious testimony of such beings, as a *valet de place*, or on the suggestions of his own malice.—Is it then to be wondered at, that he has laid himself open to the double reproach, of having fallen into gross errors and continual contradictions?

* We take this for the date of his arrival at St. Petersburg.

† The day he embarked at Odessa.

‡ All the distances above stated, are taken from the tables in the appendix to Dr. Clarke's travels; they very nearly correspond with those marked in the *carte générale de l'Empire* published at St. Petersburg in 1799. The meteorological table, (also in the appendix,) served to ascertain the time he resided at different places.

In the preface, (p. ix.) the Russian government is accused of fostering, from a principle of policy, the ignorance of the rest of Europe, relatively to the state of the southern provinces of its empire—and of sedulously concealing the only tolerably correct charts, which exist, of the coasts of the Black Sea, and of the course of the rivers which fall into it. As this accusation is frequently repeated, we shall notice it here, in order, as we think, to refute it, to the satisfaction of the candid reader.—When Dr. Clarke made his appearance in Russia, officers belonging to the staff of the army were occupied in Finland, in Poland, in the Crimea, and in several other portions of the empire, with making detailed draughts of these respective countries. The object of that undertaking was, to rectify the errors in the general map of the empire, or rather to prepare one which should be more correct. This map or atlas, composed of more than one hundred sheets, was published at St. Petersburg in 1806, at the expense of government, and is for sale on very moderate terms* at the *depot imperial des cartes*. We will not take upon us to compare it with that of Sweden by Mr. Hermelin,† but we can assure our readers, that it completely destroys Dr. Clarke's assertion, respecting the want of geographical charts. In the one to which we allude, the learned gentleman will not find the *soundings* of the coasts of the Crimea laid down; but he will meet with topographical details of the parts of the Russian monarchy, which have hitherto been least observed, sufficient to satisfy every man who travels for the purpose of acquiring a knowledge of the country, and not, like the doctor at Achtiar, to search for the vulnerable points of the empire.‡

The empress Catherine II. is often subjected to the censure of Dr. Clarke. "There is nothing," says he, "in which the late Catherine employed so much artifice, as in keeping secret the history of her own people, and the wretched state of her empire." That this empress received with complacency, the flattery of the philosophers of her time, (many of whom enjoyed pensions from her bounty,) is an undoubted truth;—

* Seventy-five roubles in sheets, and 105 or 110 roubles (paper money), mounted on rollers, &c.

† Mentioned by Dr. Clarke.

‡ Several charts of the Black Sea have been published at St. Petersburg, some of which have the names expressed in Roman characters. In 1804 there appeared "A chart of the Black Sea and the sea of Azoph," in Russian and French, carefully draughted for the use of mariners;—it is copied in the famous "Chart of the Mediterranean" published in France, by Lapie, in 1808.

but it is absurd to suppose, that she entertained seriously, the intention of concealing from the rest of the world, the true state of the interior of Russia. Without breaking off all communication with other countries, and erecting on her frontiers a wall like that of China, the accomplishment of such a purpose would have been impossible.—It is moreover contradicted, by the constant efforts of the empress, to allure foreigners into her dominions. She took into her service engineers from Holland, for the purpose of improving the internal navigation of Russia. By the labours of these officers, the courses of the navigable rivers throughout the empire were accurately traced.*—The numerous individuals belonging to the British navy, who have at various times been in the service of Russia, must necessarily have made themselves acquainted with its coasts and sea-ports.

Lastly, the men of learning, who by order of the empress Catherine, travelled into the remote provinces of her empire, (the fruits of whose researches, were given to the world at her expense,) have thrown much light on the natural history of those very countries, through which Dr. Clarke galloped in such wonderful haste, though accompanied by a powerful escort. To the mass of information produced by the legitimate means above stated, ought to be added the accounts, whether true or false, which have been given to the world by strangers of all descriptions, who traversed Russia in every direction, and who insinuated themselves, under the disguise of *men of letters*, into the most distant corners of the country, for the purpose of pilfering a few pretended state secrets, with which they might pay their court at home.

The reign of the empress Catherine II. is so far from being enveloped in mystery, that the most minute details of the many remarkable events with which it is crowded, have long been generally known. Her journey to the Crimea was made in the company of such men as lord St. Helens, the Counts de Ségur, and Cobentzel, and can have led into error none but the dullest of observers, although there may have been found

* Persons wishing to obtain the most exact information relative to the internal navigation of Russia, may without any difficulty, procure it by applying to the Department which superintends that branch of civil economy. Besides the necessary charts, they may be furnished with a printed explanation, which details all the existing communications,—those begun and yet unfinished—and those which are only projected. Mr. Oddy has made use of the above work in his book entitled “European Commerce,”—published in 4to, London, 1805.

persons who affected to be deceived.* Indeed Dr. Clarke's book furnishes nothing new on the subject of this princess. There seems in the present day, to remain but little difference of opinion respecting her great qualities, as well as her defects,—and if the former have met with over-zealous admirers, it must be admitted, that the latter have not escaped the animadversions of censors abundantly severe. To us it appears, that Russia cannot but place her in the rank of her most distinguished monarchs, as well as of the most able sovereigns that ever reigned over any country.

Dr. Clarke, in his short residence at St. Petersburg, gathers no information, which might not be picked up at the corner of every street in that capital. Without denying the existence of some of the abuses which he mentions in his first chapter, and without undertaking to justify them, we will content ourselves with noticing some errors, which appear to us to bear the stamp of misrepresentation. He takes great pains to inspire a belief, that his countrymen are peculiarly exposed to the vexations which he describes, and about which he is so querulous.—This assertion is incorrect.—The regulations of the police relative to dress, were extended to all the inhabitants, without a single exception;—neither is it true, that the English suffered every where the same severe treatment. Dr. Clarke himself and his companion will more than once, furnish proof of the contrary.

With regard to the punishment which he states to have been inflicted on the author of the epigram, mentioned in page 6, (*cutting out his tongue*), we will simply observe, that for more than a century, there has not been one solitary instance of such an execution. Moreover, having ourselves resided in St. Petersburg during the whole of the late Emperor's reign, we assert without fear of contradiction, that, to this day, the author of that epigram remains unknown.

* The Empress's journey to the Crimea furnishes some anecdotes worthy of being recorded, but which are not all to be met with in the memoirs of that time. We will present our readers with one of these, to show how little she was the dupe, of the exhibitions offered to her view by Prince Potemkin, during her progress. Descending the river Dnieper in a galley, the Empress and her attendants arrived at Kief, a town of which the interior appearance, does not correspond with the beauty of its perspective. She desired to know the opinions, of the three foreign ambassadors who accompanied her, respecting the scene before them. Count Cobentzel was in raptures with the prospect.—M. de Ségur contented himself with saying, that much might be made of it in the course of time.—Lord St. Helens declared that the country was detestable, and the prospect nothing extraordinary.—The Empress said with a smile “Count Cobentzel is a courtier—M. de Ségur a polite man—and Mr. Fitzherbert a man of truth.”—“Le Comte Cobentzel est un courtisan.—M. de Ségur un homme poli.—M. de Fitzherbert un homme vrai.”

Before he has arrived at *Sarskoésélo*, which is only twenty-two versts from St. Petersburg, Dr. Clarke has had time to discover that on leaving the capital, a traveller "bids adieu to all thoughts of inns or even houses, with the common necessities of bread and water."* The road between this last city and Moscow, is constantly covered with travellers and wagoners.—Of these the first have not always, like the Doctor, comfortable travelling carriages, and the latter, proceeding uniformly with the same horses, must necessarily stop somewhere at night, and refresh their cattle. Their wagons are loaded with merchandise, which they have engaged to transport from distant places, and they cannot consequently have room for many provisions. How then do they escape being starved?—Some idea may be formed of the prodigious number of these unhappy wagoners by what is said, page 475—"Nothing can be more striking than the spectacle afforded by those immense caravans, slowly advancing each in one direct line, by hundreds at a time, and presenting a picture of the internal commerce carried on by Russia throughout all parts of the empire." We think therefore that Dr. Clarke would have spoken more properly, had he said that good inns were rare on the high roads of Russia,—but this would have been too much in the usual language of discontented travellers.—He chose to say more.—Like those Russian noblemen who, according to his account, ask of the picture-mongers, *quelque chose d'éclatant*, he was determined to have, in his picture, only "splendid colouring."—We find him accordingly, gravely assuring his readers, that in the midst of fields abounding with corn and pasturage, the Russian starves, and has not a drop of milk to distribute!

At *Sarskoésélo* the author manifests his disposition to misrepresent all he sees, and all that he hears of in Russia. The act of vandalism by which several pictures (as he says), were cut "in order to adapt them to the accidental spaces left vacant," (page 13,) never was committed but in his imagination. Those who know with what care the numerous collections of pictures, belonging to private individuals, are kept at St. Petersburg, and who have visited the galleries of the Hermitage, and other imperial palaces, will see the improbability of this story, and will agree with us, that in the *fine arts* at least, the progress of Russia has been great. Since the death of the empress Catherine, *Sarskoésélo* has never been inhabited.—Some of the pictures and statues have been removed from thence. We suspect that Dr. Clarke talks of this palace, with-

out having been admitted into it, for it is usually shut, at the season he pretends to have been there.

The inspection of the cathedral at Novgorod affords him an occasion, for descanting on some of the religious practices of the Russians. After an historical summary of the introduction of images* into Russia, he observes that "the different representations of the Virgin—will show to what a pitch of absurdity superstition has been carried." It is not a new discovery that the appearance of images is coeval with that of the Christian religion in our country—nor that those images were derived from Greece. We willingly acknowledge that they are wretchedly executed.—We will not deny that there prevails much superstition among the lower classes of society; but if we comprehend the meaning of the term superstition, it signifies implicit belief granted to ideas or facts, which are repugnant to human reason,—which we are unable either to conceive or to explain, because those ideas or facts, admit of no demonstration, and are entirely out of the ordinary laws of nature. Now on this subject we would ask Dr. Clarke, in what country the mass of the population is not superstitious? England is no exception; for he himself informs us (page 440) when speaking of the Tartars who hail as a good omen the appearance of martins in their dwellings, that the same idle opinion prevails in his own island. We know that the belief in ghosts is not uncommon there, and that very recently a poor woman was tried for witchcraft before a British court of justice.

If we mistake not, James I. king of England, supported in writing his belief, that it was possible to ride on a broomstick through the air, a distance of two or three hundred miles; and so lately as the middle of the seventeenth century Sir Thomas Browne seriously combated the idea, that it was possible to sail as far as the East Indies in an egg-shell. Did not the superior minds of Dr. Johnson and Dr. Robertson give credit to stories of witches and apparitions?—And without recurring to such illustrious examples, may we not presume to affirm, at the risk of scandalizing our pious author, that there was a glimmering of superstition about himself, when on the shores of the sea of Azoph, at Taganzog, he could discern "*a very forcible proof of the veracity of the sacred Scriptures*"

* The image is expressed in the Russian language by the word *Obrase*, and not by that of *Bogh*, which signifies *God*. We shall have further occasion to illustrate the ignorance of Dr. Clarke in the explanation of Russian words.

in the diminution of waters consequent on the prevalence of violent easterly winds? Can he, after this, be so much astonished at seeing the *barbarians* of Russia attach miraculous virtues to their Obrazi, and addict themselves to other absurd superstitious practices?

But to proceed. Having informed us that it had snowed heavily before his arrival at Novgorod on the 4th April, and that the snow increased rapidly during his progress to Tver, Dr. Clarke tells us in the next page, that "*the soil is for the most part sandy, and APPARENTLY of a nature to set agriculture at defiance.*"—He alone can explain how he saw this, as the ground was covered with snow. We notice the observation, trivial as it is, merely as an instance of the want of reflection, with which this writer commits his remarks to paper.

The village of Yadsova attracted our traveller's attention. After informing us that it consists of a single street as wide as Piccadilly, and describing the exterior appearance of the buildings, he adds, "a window in such places is a *mark of distinction*, and seldom noticed." The sarcasm is meant to be insulting, and is only contemptible.

At Poskol, another village on the high road, the sledge which supported his carriage breaks down. Being obliged to wait a few hours until the necessary repairs are made, he loses no time, and hastens to take "*a very interesting peep into the manners of the peasantry.*" He sees the woman of the house prepare dinner during her husband's absence—he sees the husband return from church with his children, holding in their hands some pieces of consecrated bread, not larger than a pigeon's egg;—the family goes to dinner, and all eat out of the same bowl—much crossing and bowing before and after their frugal meal.*—Dinner ended, they all go to bed—afterwards they drink vinegar or quass.—And that this first sketch of the *manners* of the country may be wanting in no particular, Dr. Clarke does not forget to communicate to us the effects of their digestion, in terms too indelicate for us to repeat. Possessed of these *very interesting* discoveries, he seizes his pencil, and gives the following *finished* portrait of the Russians.

"The picture of Russian manners varies little with reference to the prince or the peasant. The first nobleman in the empire, when dismissed by his sovereign from attendance upon

* Dr. Clarke was travelling to Moscow during *Lent*, at which season the Russian peasantry live exclusively on bread and vegetables; milk, butter and eggs are among the articles from which they abstain at that time.

his person, or withdrawing to his estate, in consequence of dissipation and debt, betakes himself to a mode of life little superior to that of brutes. You will then find him, throughout the day, with his neck bare, his beard lengthened, his body wrapped in a sheep's hide, eating raw turnips, and drinking quass, sleeping one half of the day, and growling at his wife and family the other. The same feelings, the same wants, wishes and gratifications, then characterize the nobleman and the peasant; and the same system of tyranny, which extends from the throne downwards, through all the bearings and ramifications of society, even to the cottage of the lowest boor, has entirely extinguished every spark of liberality in the breasts of a people who are all slaves. They are all, *high and low, rich and poor*, alike servile to superiors; haughty and cruel to their dependants; ignorant, superstitious, *cunning, brutal, barbarous, dirty, mean*. The Emperor canes the first of his grantees; princes and nobles can their slaves; and the slaves their wives and daughters. Ere the sun dawns in Russia, flagellation begins; and, throughout its vast empire, cudgels are going, in every department of population, from morning until night."

Here we find the empire of Russia transformed by the magical pen of Dr. Clarke into a vast house of correction, where flagellation proceeds with a regularity comparable only to the effects of machinery at Birmingham or at Manchester! Upon what authority worthy of credit has this author founded so monstrous an edifice of calumny? Among the various passages in which he has so liberally poured forth the grossest abuse upon our nation, we meet indeed with some citations from Olearius and from Meyenberg, (page 80) and some letters in verse of one Tuberville, (page 83) who was secretary to the first ambassador sent from England to Russia, about the middle of the sixteenth century; but since he refuses to admit the authority of Puffendorf, (certainly as respectable as the names he has brought before us) who wrote a hundred and fifty years later, and whose opinion differs from the Doctor's, ought he not to produce in support of his assertions, some more recent testimony?

The question between them is nothing less than whether or not the Russian nation is as barbarous in modern times, as it was in the reign of the Tzar Ivan Vassiliévitch. The manuscript of Mr. Heber and the *Voyage de deux Français*, (which Dr. Clarke cites so frequently,) will not bear him out in the present instance. Nay, when he cites them as witnesses

upon other occasions, they are far from being always of his opinion. For example, the "*Voyageurs Français*" (p. 49,) concede at least to the Russians the merit of being hospitable, and Mr. Heber, though his statement is in several respects very defective, represents the condition of the peasantry in very different colours from those used by Dr. Clarke. Let us be allowed to express our great satisfaction at finding the respectable name of Lord Whitworth brought forward in the book before us, only to corroborate remarks purely scientific. The testimony of that nobleman, well acquainted as he is with Russia, and so distinguished by his learning and virtues, would indeed have been of the greatest weight. We have sufficient grounds therefore for believing, that the disgusting account given of Russian manners and Russian character, is the result solely of the writer's own observations;—but here again new difficulties present themselves to every impartial mind. A few general reflections will not be superfluous, before we proceed to confront Dr. Clarke with himself.

The existence of a society in which, with the exception of one man, all should be condemned to a state of perpetual suffering, is absolutely impossible. We can imagine no tie which could bind together beings destined only to endure pain and misery. Nature herself has fixed the point of suffering beyond which endurance stops, and the absolute power of the most capricious government which fancy can create, must halt at that point, or else change its organ, if not its principle. We admit that humanity has rarely cause to rejoice at revolutions effected in this manner, but we believe notwithstanding, that at every such change, some improvement is necessarily made in the condition of the governed, with respect to their civil existence. If there were any truth in the description given by Dr. Clarke, we should see Russia become a prey of continual seditions from one extremity of the empire to the other, and exhibit to the world, the same spectacle of carnage so often repeated at Constantinople. So far however is this from being the case, that the country enjoyed the most profound tranquillity in its interior, at the very time, when from the nature of its external relations, the government was obliged to resort to extraordinary efforts, and to station the whole of its armed force on the frontiers:—when too the chances of war had been unfavourable to our arms, and a formidable enemy had already advanced to the threshold as it were of the empire.

The population* of Russia, instead of diminishing, continues to increase considerably, in spite of the prodigious consumption of men, necessarily occasioned by the maintenance of a military establishment, second in magnitude only to that of France. The generality of its inhabitants, who are represented as groaning beneath the most oppressive tyranny, arrive at an age rarely attained in other countries.—We have laid these considerations before our readers, and leave the proper inferences to be drawn by themselves.—The Russians are all, “*high and low, rich and poor, alike servile to superiors, haughty and cruel to dependants, ignorant, superstitious, cunning, brutal, barbarous, dirty, mean.*”!! It is a pity that the English dictionary could furnish Dr. Clarke with no more epithets to swell this catalogue of vices;—but these are repeated on every occasion, and when his language can afford him no term to vary his abuse, he has recourse to comparing them with some abject animal.

Such were his opinions before he arrived at Moscow; soon after which, the festival of Easter gives rise to the following passage. “Thus was Easter proclaimed; and riot and debauchery instantly broke loose. The inn in which we lodged became a Pandemonium. Drinking, dancing and singing, continued through the night and day. *But in the midst of all these excesses, quarrels hardly ever took place. The wild, rude riot of a*

* The registers of births and deaths transmitted to government from all the bishoprics of the Russian empire, for the years 1801 and 1802, give the following result.

BIRTHS,	1801.	1802.	Among the deaths were counted		1801.	1802.
			from 90 to 95	95 100		
Males	627,418	690,985			1401	2039
Females	552,058	613,486			971	1,168
			100	105	132	360
TOTAL BIRTHS	1,179,476	1,304,471	105	110	46	66
			110	115	17	28
			115	120	15	13
DEATHS,			120	125	0	7
Males	382,157	353,223	125	130	6	4
Females	344,114	335,151	and of	140	0	1
TOTAL DEATHS	726,271	688,374				
The births exceed deaths	453,205	616,097				
MARRIAGES	298,58	299,037				

In these tables are included only those who profess the Greek religion. Vide the periodical journal published by Mr. H. Storch, entitled “*La Russie sous Alexandre I.*” Tom. 3. Livraison 7. page 162.

Russian populace is full of humanity. Few disputes are heard; no blows are given; no lives endangered but by drinking. No meetings take place of any kind, without repeating the expressions of peace and joy," &c. &c. We have been taught to believe that the character of a nation can never be studied with more advantage, than amidst those great festivals, which religion and immemorial custom have consecrated. Now we see the Russian populace so habitually barbarous and cruel, (as the Doctor says) lay aside their ferocity, at the very moment when they abandon themselves to all the excesses of debauchery, after a Lent of seven weeks duration, which, as he tells us himself, is observed with scrupulous and excessive rigor, (p. 40.) According to this ingenious gentleman therefore, the Russians manifest some virtues, only in those moments of exhilaration, in which all other nations, even the most highly civilized, forget for a time the good qualities habitual to them. Our poor countrymen however, will be made to pay dear for this *naïveté* of the Doctor.—Accordingly they are made to resume more than once, in the sequel, all the disgusting attributes, which he had before remarked in their character.

The mode of living of the Russian noble, on his estate, differs little, we are told, from that of the lowest peasants. We can forgive Dr. Clarke's speaking of the latter. He has seen some of their faces at the post-houses on the road—nay, he had *once* an opportunity of seeing one of them eat his dinner at Poschol. This is sufficient for a traveller of his perspicacity. But when he enters into details of the manner in which a Russian nobleman, banished from court, passes his time, we confess our astonishment—for he visited none of this description, as far as we know, during his fugitive residence in the country—unless the venerable sage of the Crimea sat for the picture; a supposition we will, on no account, admit. To us it is consequently evident, that this is one of the frequent instances, when the writer's imagination furnished colouring to his audacious falsehoods. The nobles often become objects of Dr. Clarke's animadversions during his abode at Moscow. We shall treat this topic more at large in another place.

Some inhabitants of Moscow are stated to have informed Dr. Clarke that the Russian sovereigns, not daring to take up a lodging within the walls, when they visit that city, reside at the palace of Petrofky, at the distance of four versts from it. Our reader's shall judge, if such a piece of information, can really have been communicated to him, by an inhabitant of Moscow. At the epoch of the coronation of the Russian emperors, their entrance into that capital is always attended with the

greatest pomp. Until the preparations for this object are completed, (which never requires more than four or five days), it is customary for them, to stop at the palace of Petrofky. The whole remainder of the time appropriated to the ceremony, and the *fêtes* which accompany it, is spent by them at the palace of Kreml in the heart of Moscow, with neither more nor less security than in any other town of the empire. Possibly some wags of Moscow may have amused themselves with the credulity of the Doctor, and have assumed in his eyes the "little haughty" air of republicans, ascribed to them by the empress Catharine; (p. 32.)—but when we consider the multitude of voluntary and intentional errors, which occur in his book, we think it probable that it is rather Dr. Clarke himself who wishes to impose upon his readers.

Our traveller's entrance into Moscow, is ominous of the account he intends to give of the place.—He sees criminals, condemned to hard labour in the streets, throw snow-balls at the peasants who are passing in their sledges, and is struck with a new trait in the national character, because the officer who superintended these malefactors, was amused with their tricks. He is obliged to go before the commandant in order to exhibit his passport (*podorojnaja**) which he had *bought*, to use his expression, of the Emperor at St. Petersburg.—How many sins do we see here accumulated upon the heads of the poor Russian nation!—But what we must consider as above all unfortunate for our fellow-countrymen of Moscow, is, that Dr. Clarke should not have looked into Reichard's "Guide des Voyageurs," before he bent his steps towards the "Hotel of Constantinople." In that work he would have found a direction to some inns, inferior indeed to the good hotels in some other parts of Europe, but in which he might have procured something more than the mere necessities of life, and (we make bold to assure him) better society.—All who have the slightest knowledge of Moscow, will agree with us, that no where but in that obscure and dirty tavern, could he have fallen

* All persons who intend to travel post in Russia, are obliged to pay, on receiving the *podorojnaja*, or order for horses, one copeck (a half-penny), for each horse and each verst they intend to go;—this is what Dr. Clarke calls *buying a passport of the Emperor*. The fund produced by this small tax is appropriated to repairing the roads. Travellers pay three copecks more per mile for every horse at each post;—so that, if they take four horses, it costs them 140 copecks, paper money, (about 80 cents, at par,) for every ten miles English. This charge is reduced 25 per cent. in the provinces where forage is cheap.—In garrison towns, all travellers were obliged to present themselves before the commandant;—this formality has been suppressed by the reigning Emperor.

into the motley company of the representatives of the Oriental Hordes, Kirgissans, Bouchares, &c., and above all, of gipsey fortune-tellers.

An opinion universally admitted by metaphysicians is, that our ideas are always more or less influenced, by the objects which are continually about us. Dr. Clarke exemplifies this axiom.—Surrounded in his hotel by a circle worthy of exercising the pencil of a Hogarth or a Calot, the idea of vermin never abandons him. When he leaves his sordid lodging, it accompanies him to the palaces of our Emperors,—into whose presence he never had the honour of being admitted;—to the saloons of the Russian nobles, to which he rarely had access;—to the antichambers of their footmen, with whom he is better acquainted;—and into the taverns of the populace, which he seems to have taken pleasure in frequenting. He dares to assure us that “*it is a fact too notorious to admit dispute, that from the Emperor to the meanest slave, throughout the vast empire of all the Russias, including all its princes, nobles, priests, and peasants, there exists not a single individual in a thousand, whose body is destitute of vermin.*” (page 71).

Dr. Clarke, impatient to repeat his experiments on the national character, “*makes himself as like a Russian as possible,*” and dressed in a caftan, bids adieu to his friends of the oriental diplomatic corps, and goes *incognito* to what he is pleased to call “one of the public balls of the citizens.” There he finds pretty much the same kind of company, as he is accustomed to at his lodgings.—Chinese, Cossacks, Calmucks, but especially Gipsies, who to amuse their old acquaintance, execute a “*national dance,*” called *Barina*,—which to our positive knowledge, never did exist as a *national dance* in our country.* He is entertained with the sound of the balalaika, a national instrument of music which pleases his ear much,—and he laments that the Russian ladies have “laid it aside.” Now we must be permitted to think differently.—Notwithstanding the respect with which we regard this monument of the essays of our forefathers in music, we rejoice at seeing the guitar and the mandoline take place of the balalaika,—because we are convinced that the change advances us one step in the career of innocent enjoyment, and consequently in that of civilization.

In order to judge correctly, we must compare:—to com-

* The word *barina* is the feminine of *barin*, derived from *boyarin*, which signifies *lord* or *master*. The national dances are almost always accompanied with songs, in which the word *barina* frequently occurs, meaning *mistress* in the phraseology of love.—Dr. Clarke probably mistook a word in the song for the name of the dance.—The *balalaika* is a kind of guitar with two strings, very common among the lower classes in Russia.

pare, we must examine, under every point of view, the question we propose to determine. This precept is taught to boys in every country, and we doubt not that Dr. Clarke well remembers it. We have beheld him *sufficiently* instructed in the manners of the Russian peasantry, and in the customary amusements of the populace at Moscow during the Easter holidays;—he is now about to turn his eagle-eye on more elevated objects. The honour of introducing him to the club of the noblesse is reserved for a Russian nobleman, Prince Viazamskoye, (who, by the by, “married an English lady,”)—“*although it was dangerous to have the character of hospitality towards Englishmen.*”—We cannot omit observing, that Dr. Clarke, though he appears willing to offer his thanks to this Russian prince for his *courageous complaisance*, acquits himself of them in such a way, as to induce the belief, that he repents of having once in his life been grateful and polite to a Russian—for he thus concludes his compliment:—“If his highness* be now living, he is requested to pardon this testimony of his generous condescension. I feel sensible, that a *congeniality of sentiment* will render any apology superfluous, for the sacrifice I have elsewhere made in the cause of truth.” We have the advantage of being personally acquainted with the nobleman in question, and we can assure our readers, that there is “*no congeniality of sentiment*” between him and Dr. Clarke.

We shall resort to our traveller himself for a description of the ball. “*The coup d’ail*, upon entering the grand saloon, is inconceivable. During ten years that I have been accustomed to spectacles of a similar nature, in different parts of the continent, I have never seen any thing with which it might compare. The company consisted of near two thousand persons; nobles only being admitted. The dresses were the most sumptuous that can be imagined; and what is more remarkable, they were conceived in the purest taste, and were in a high degree becoming.” Here we see by a sudden metamorphosis two thousand of those same nobles, who were represented, page 28, as little differing from brutes in their mode of living upon their estates, make their appearance as accomplished gentlemen, with their beards shaved, and their sheepskins left at home with the vermin which devoured them;—we see the Russian ladies surpassing in elegance those of London and Paris.

* The title of prince gives in Russia no particular distinction to those who bear it, over the nobles in general, except that the style of *excellency*, is yielded them by courtesy;—that of *highness* is exclusively reserved to princes of the blood.

Nothing is said of the supper, though Dr. Clarke excels in his description of banquets.—There is reason, however, to presume that these savage Boyards, did not content themselves with raw turnips, and that the refreshments corresponded to the rest of the exhibition. But the Doctor and his companion fail not to act a brilliant part themselves on this occasion, by the admiration which their *little queues* excited in some of the young Russian coxcombs. Of such coxcombs there are not a few both at Moscow and St. Petersburg, and we readily allow, on the subject of this anecdote, and of the good fortune it procured to the *poor ragged barber*, that it has all the appearance of being rigorously true.*

That Dr. Clarke should utter all the remaining nonsense of his fourth chapter, and fill the whole of the fifth with stuff of the same kind, does in no way excite our surprise. His mode of making observations, could lead him to nothing that was not contemptible. He was ignorant of the language;—he entered Russia with the predetermination to calumniate every thing he saw.—We have thus far followed him in his progress. When praise and censure are distributed by such hands as his, we must blush at receiving the former, and need little consolation, at finding the latter, sometimes not altogether undeserved. But that the Editors of the Edinburgh Review should have discovered in this undigested compound “interesting particulars relating to the country and its inhabitants,” (p. 339.) does astonish us:—we must congratulate them upon having discovered pure gold in such a mass of impurities.

The fifth chapter commences thus: “In whatever country we seek original genius, we must go to Russia for a talent of imitation. It is the acmé of Russian intellect; the principle of all their operations.”—Many writers and travellers have already reproached the Russians with the want of inventive genius. Speaking comparatively with other nations, we think the accusation not without foundation.—Taken as a general position, it seems to be absolutely false,—unless the assertion be correct, that the intellects of Russians differ from those of

* To this acknowledgment of our faith in Dr. Clarke, we will add one more. He *may* in the immense crowd which filled the cathedral, on the night of the Resurrection, have seen a pickpocket steal from his friend, Mr. Cripps, a handkerchief. This testimony is suspicious;—but the thing is not impossible. We will admit it as certain, and ask, where there are not pickpockets?—In London?—The fact proves nothing as to the general character of the nation,—and for our own part, we should hesitate in attributing this shameful practice to the totality of the English nation, even if the capital of England were inhabited only by pickpockets.

other people, and that the human species among them, is inferior to the rest of mankind.—To draw an impartial parallel of the genius of nations, whose progress in civilization has been unequal, it is necessary to take, as the point of departure, that from which they all equally set out, and the distances they have respectively traversed in a given space of time,—and after this, we must keep an exact account of all the local circumstances which may have accelerated or retarded civilization in each of them,—such as the influence of government, of climate, and even of geographical situation. Russia, having appeared last among the civilized nations of Europe, had undoubtedly, in some respects, great advantage over those who preceded her, in consequence of the mass of information which their experience afforded.—The first step she took was therefore to appropriate to herself that experience; in other words, to imitate them. Until the spirit of imitation had thoroughly pervaded the people thus endeavouring to overtake others,—until they had cast off the thick incrustation of ignorance which enveloped their intelligence, the inventive powers must necessarily have remained inactive. This was more especially the case with Russia, because the passage from imitation to invention, was rendered difficult, in proportion to the progress of the human mind in other countries. In the early stages of civilization, the surest augury, in fact, with respect to inventive genius, is an uncommon dexterity in imitation; just as the boy at school, who is most successful in copying the manner of the best writers, is most likely to excel in the art of original composition, when he reaches maturity.

All the other nations of Europe, which were overwhelmed and subjugated by the hordes of the north, in the fourth century, beheld after a time their conquerors melted into the mass of the ancient inhabitants. The fragments of art and science which had escaped destruction, might re-appear in safety, when the tempest was allayed, and facilitate the reconstruction of the edifice of Learning. Spain and Russia are the only countries where this was not the case.—After resisting during some centuries the arms of their invaders, these two nations ultimately succeeded in shaking off the yoke, and expelling the strangers. But even here the Russians had the worse lot of the two.—The Moors were not like the Tartars: they were, in every respect, superior to the nation they had vanquished;—whereas the Tartars (Dr. Clarke's declaration in their favour notwithstanding) were at least as much barbarians as the Russians.

At the epoch of the expulsion of the Tartars (about the

middle of the sixteenth century) our nation had made no advances in civilization, beyond the point which it had attained, before their invasion. On the contrary, a long continued system of domestic oppression, under the tyranny of foreign tribes, must have impressed on its character, deep traces of inertness not easily to be erased. The few chronicles and legends in the Slavonic, Latin and Greek languages, which the piety, or if Dr. Clarke pleases, the superstition, of monks had collected in their obscure convents, were committed to the flames;—from the general destruction were only saved, some treaties concluded with the Eastern empire by the Grand-Dukes Oleg and Igor in the years 912 and 945, and a compilation of the code of Justinian, introduced into Russia by the Grand-Duke Jaraslaf, in 1017, under the title of *Russian Justice* (*Pravda Rouskaja*). To these may be added some fragments of different annalists, from Nestor the monk of Nief, who wrote about A. D. 1100, down to John of Novgorod, who lived about A. D. 1230.

Such were the feeble sparks from which was to be rekindled with us the torch of civilization.—Before we offer to our readers a very succinct abridgment of the course, which was followed for this purpose, from the expulsion of the Tartars to the present period, we request their attention to a circumstance well deserving of consideration. It is this—that every thing necessarily emanated from, and was subordinate to, the will of a government supreme and unlimited.

The Tartar yoke was not entirely shaken off until the year 1521, in the reign of Ivan Vasilievitch II. Under the same monarch, the first printing press was established in Russia.—In 1556, or agreeably to some authors, in 1562, the metropolitan Macary published “the Acts of the Apostles,” the first book printed in our country. The first edition of the Bible did not appear till 1581.

The Tzar Fédor Alexeyevitch, brother to Peter the Great, founded at Moscow, the Academy of Theology, about the close of the seventeenth century. This is the true date of the commencement of civilization in Russia.—As her political relations with the other European powers became more extensive and important, the want of information, the absence of industry, and the pernicious influence of the prevailing prejudices, became daily more sensible. Either from wisdom, or from necessity, the government exerted itself to find a remedy for this multitude of defects; and it succeeded in its endeavours, if not in proportion to the void which was to be filled up, at least in the degree requisite to meet the exigencies of the

moment. Peter the First invited men of talents from foreign countries into his service, and these were not all treated in the manner the inquirer Perry is represented to have been. This prince added considerably to the number of institutions for the education of youth, and multiplied the printing establishments of his empire. We will not fatigue the reader by minutely detailing, all that has been executed by the Russian government, in favour of public instruction, from the time of Peter the Great to our day.—The facts are so recent and the subject has been discussed by so many authors, (some as extravagant in their praise, as others are in their abuse, of what has been done) that we should run the risk of offending in the same manner as Dr. Clarke, by repeating truths, of which no person of general information is ignorant, and absurdities which every man of sense treats with disdain. It is important however, to know that an impulsion has been given to the minds of men in Russia, of which, although it may be in the power of despotism to arrest the progress, the beneficial effects are not to be effaced.

We shall perhaps be told that the mode of instruction in Russia has always been defective,—that the government has not persevered in attention to this important branch of administration,—and that there are innumerable obstacles to its success in a political order of things, which unites all power in the hands of a single individual. To this argument we shall oppose facts. The results obtained from what has been done in little more than one century, are calculated to gratify the feelings of philanthropy.

It has already been mentioned that at the close of the seventeenth century, there existed but one public school,—the theological academy at Moscow. In 1806, the minister of public instruction, in an official report of the different institutions subject to his department, presented the following statement:

6 Universities—St. Petersburg, Derpt, Moscow, Vilna, Charcoff and Casan:

43 Gymnasias—in the chief towns of departments:

442 Secondary schools—in the different district towns:

296 Parish schools:

235 Private academies:

Forming a total of 1022 establishments for education.

In the above were assembled 2258 teachers, and 46,582 students of both sexes, exclusive of those in private schools of every description. In this account of 1022 schools, are not in-

cluded the great military schools, and other* places of education, which exist at St. Petersburg and Moscow, under special administrators, independent of the Minister of public instruction, and which would add very considerably to the number of both teachers and scholars.

The ecclesiastical seminaries underwent, in 1807, a new organization, conformable to the general plan of instruction which is the basis of the arrangement of the secular schools. The following report presented by the synod to the emperor in 1806, will give an idea of what they were at that epoch.

4 Principal academies:

36 Seminaries in different dioceses:

18 Inferior schools:

332 Teachers:

26,781 Students.

The funds annually appropriated to these establishments of instruction and education, amount by a computation, which we have made from the statutes and other public documents, to the sum of 3,202,069 roubles—exclusive of the property belonging to the universities of Derpt and Vilua, which are endowed with real estates, valued at 210,000 roubles per ann: and of the parish schools which are supported by the different parishes and corporations. Neither are there included in the above computation, the expenses of all the inferior schools in the provinces dismembered from Poland, the revenues of which are likewise derived from estates in land,—nor those of the great school of surgery at St. Petersburg, of which we have no returns in our possession,—nor of the numerous houses of education for females at St. Petersburg and Moscow, which are under the immediate direction of the empress-mother.

The apprehension of tiring our readers, makes us suppress a number of interesting details. All the arrangements adopted since the commencement of the present reign, are marked with the same spirit of liberality and philanthropy. The whole system presents a degree of connexion which has never been equalled in any other monarchy;—it embraces the immensity of the empire, and furnishes to every class of inhabitants the means of obtaining the sort of education appropriate to their

* The principal establishments of this description are the corps of noble cadets—the school for the children of deceased soldiers—the academy of the fine arts—the academy of commerce—the community of young ladies, nobles and others—the institute of St. Catharine—the institute of Mary—the school of mineralogy—that of jurisprudence—that of the pages of the court—the school of medicine and surgery—of navigation—of naval architecture.

station in society. It is, above all, in the organization of the universities, considered as the objects of principal importance, and which form the last link in the chain of instruction, that every attention has been sedulously paid to insure the attainment of this great desideratum. Many professors of celebrity, whom the suppression of some of the universities in Germany had deprived of employment, have been invited to Russia;—others, who chose to withdraw from the theatre of war, have obtained a distinguished reception. These learned persons are interested in the success of the undertaking by the most powerful motives. An honourable rank in society, and emoluments sufficient to support that rank, are assigned to them;—they are at liberty to devote a portion of their time to giving private lessons, which are of course lucrative in proportion to the zeal and activity of the tuition. Their apprehensions respecting the fate of their families, in case of their own deaths, are anticipated by liberal concessions in favour of their widows and children. Lastly—the universities are rendered perfectly independent of the civil authorities by having exclusively to themselves the direction of their internal police, to which is added the censorship of all books printed within their limits, provided they conform to the decree on that subject of the 4th July, 1804.

An examination of the decree in question will show that the Russian government has neglected nothing, in order to do away, all those restrictions of the press, which might shackle the progress of literature, and of rational liberty. Some indirect measures of coercion, others of encouragement, were thought indispensable to deter the ignorant from exercising offices of distinction, and to facilitate their being obtained by men of talent and merit. Subsequent regulations to this effect, have secured considerable advantages to those individuals who, after having successfully followed all the courses of instruction, and undergone an examination in one of the universities, choose to devote themselves to civil employments. On the other hand, all those who hold subaltern appointments in the different offices of administration are obliged, until they have attained the rank of counsellors of state, to produce with every promotion in their different grades, an attestation from one of the universities, that they have finished the studies necessary to qualify them for the proper fulfilment of the post, for which they are candidates.

Such are, in substance, the most remarkable dispositions of the general system of public instruction in the Russian empire.—They have all been carried into effect, as regards the

universities, the gymnasia and the district schools.—There yet remains much to be done with respect to the parish schools, the number of which will be prodigious, when the general plan (contemplating one at least for every two parishes,) shall be carried into complete execution. But this branch, important as it is, from its immediate influence upon the great mass of the nation, presents fewer difficulties than the schools of a higher order;—inasmuch as it embraces only the elements of education. The masters will be principally chosen from among the students of the ecclesiastical seminaries.

The organization of which we have been giving some account, did not, it is true, exist when Dr. Clarke travelled in Russia;—but his book made its appearance several years afterwards, and he must have been acquainted with the great changes which had been effected, in every part of the administration of the empire—changes which have rendered the superficial sketch he has traced, still more open to the charge of misrepresentation, than it would otherwise have been.

We have hitherto spoken only of what the government has done to enlighten the nation;—enough, we believe, to exculpate it from the accusation advanced by Dr. Clarke, of being actuated by views absolutely contrary to this benevolent intention. In the short lapse of time which comprehends the whole history of the introduction of letters into Russia, there may indeed be found some intervals of stagnation;—but every thing considered, it cannot be denied that the spirit of the Russian government has, *in general*, been particularly favourable to the advancement of public instruction. We have yet to say a few words of the share every class of inhabitants, or more properly the whole nation, has taken in this honourable work. On this subject we experience a sentiment of pride (why should we disguise it?) which amply rewards us for the pain we have felt, in investigating the calumnies of a Clarke, and dwelling on the partiality of his eulogists. We defy them to produce an example of any other nation engaging with more earnestness, to advance the success of a great and liberal enterprise.

The facts we are about to lay before our readers are recorded in the official gazettes of St. Petersburg.—They will also be found in “*Storch’s Periodical Journal*,” for 1803, 1804, 1805, and 1806.

The counsellor of state, Paul Demidoff, bestowed, in 1803, the following gratuities on the different universities of the empire:—

Towards establishing an university at Yaroslaf in lieu of the gymnasium which was designed for that city,—

certain villages belonging to him, in the government of the same name, with 3758 peasants,—producing a revenue of 25,000 roubles.—Moreover, a capital of 100,000 roubles, (to which he has since added 20,000 more,) to be expended in improving the buildings intended for this object by government.

To the university of Moscow,—the sum of 100,000 roubles, his library, and his cabinet of coins and medals, as well as his collection of minerals—the whole estimated at 250,000 roubles.

To the universities intended to be founded at Kief and Tobolsk,—the sum of 100,000 roubles, to be put out at legal interest in the public funds, until these universities are opened for the admission of students.

The Emperor has caused a medal to be struck in honour of this distinguished act of patriotism.—Count Ilia Besborodko offered in 1805, for the purpose of founding an Athenæum for the higher sciences, at Nejine, (his birth-place, a small town in Lesser Russia,) the sum of 210,000 roubles in cash. He has, besides, secured to this school a perpetual income of 15,000 roubles in landed estate, and has given an extensive piece of ground situated in the town, together with a considerable quantity of building materials.

Colonel Prince Ourousof has presented to the university of Moscow his valuable mineralogical collection (mentioned in Dr. Clarke's Travels, page 112).

The privy-counsellor Soudienko gave in 1804 the sum of 40,000 roubles, towards the foundation of secondary schools in Lesser Russia;—another sum of 15,000 roubles was offered for the same object by M. Kotshoubey, marshal of the noblesse of Pultawa.

The noblesse of the government of Charkoff have subscribed, for the founding of an university of that name, the sum of 400,000 roubles, payable in six years by annual instalments from the 1st September 1802. The burghers and merchants of the different towns in that government have engaged to pay, for the purpose above mentioned, annually, 10,000 roubles for ten years.

The noblesse of the government of Ekaterinoslaf have subscribed in favour of the university of Charkoff the sum of 110,000 roubles, payable in ten years;—obliging themselves at the same time by a solemn engagement, to furnish this money out of their actual revenues, and without imposing any addition whatever, for this purpose, to the taxes paid by their serfs.

The noblesse of the government of Pensa engaged in 1803,

to pay an annual and perpetual rent of 2250 roubles, to be applied to the support of the gymnasium at Pensa;—this rent is derived from a capital vested in the public funds bearing interest at five per cent. Another capital of 90,000 roubles was subscribed for in the same place, for the foundation of a military school.

A gentleman of small fortune, living in retirement on his estate, Mr. Zacharine,—presented to the gymnasium of Pensa his library, consisting of 1500 volumes, all in the Russian language.—This modest offering is not unworthy of being recorded.

The noblesse of the government of Tver abandoned in favour of the military schools a capital of 200,000 roubles, which had been collected for the construction of barracks.

The subscriptions, made among the nobles of the government of Toula, for the foundation of schools, amounted to 86,000 roubles, from the 1st September 1801, to the 1st February 1804. Those in the government of Smolensk for the year 1803, produced 77,000 roubles.

The merchants of Ghiask, (a district-town of the latter government), have engaged to furnish in the course of forty years, a capital of 100,000 roubles, to found a school of commerce in that place; and to pay, until that sum shall have accumulated, 2500 roubles annually.

In 1804 the merchants of Moscow established in that metropolis, at their own expense, a school of commerce, endowed with an annual revenue of 15,000 roubles, besides a first payment of 50,000 roubles, which was given for the expenses of the original establishment, &c. &c.

These instances of patriotism, with the exception of the two cited first, are taken at random from a multitude of similar examples, which were successively made public by government. We can assure our readers that the same zeal was manifested in all parts of the empire,—without excepting any, however distant. We might extend the list of these voluntary contributions;—but those already mentioned will suffice, we believe, to give an idea of the state of society, and of the national character in Russia, widely differing from that which Dr. Clarke has endeavoured to inspire. It will at least be seen, that a just sense of what was deficient, in relation to public instruction in that empire, was universally entertained, and was met by a corresponding disposition to apply the proper remedies. Before a nation has reached this point, it must previously have made no inconsiderable progress in the career of civilization.

Dr. Clarke, having laid down the proposition, that the Rus-

sian nation have only a talent for imitation, acquits himself in the proof, with his accustomed ability. The facts, by which he supports his opinion, are either absolutely false, or prove the reverse of what he intended. For instance, the story of a Russian, who, without ever having seen a theatre, became an actor superior to any in Europe, must have been invented to amuse the Doctor's credulity;—but if true, it would certainly manifest more than a mere talent of imitation in the individual. However disposed we may be to avail ourselves of similar mistakes, respect for truth obliges us to acknowledge, that no such phenomenon ever was known in Russia. The Russian stage has produced several actors, who have acquired, in their own country, considerable celebrity, the justness of which has been confirmed by the applause of strangers;—but we pretend not to compare them, with the great models of perfection, who have appeared on the French, English, and German stages.

We are not as positive respecting the account of the picture of *Dietrici*, of which, according to our traveller, a copy so perfect was finished, that it was impossible to distinguish it from the original. Supposing the story true, we think that here also, Dr. Clarke could not have advanced a fact less favourable to his general hypothesis. The talent of imitation in painting, carried to such perfection, necessarily pre-supposes that degree of maturity in the art, which, in the history of all nations, immediately precedes the development of the genius of invention;—and we must be allowed to think, that more than the mere instinct of imitation, in the Russian artist, was requisite, to enable him, by the excellence with which he copied a painting of merit, to deceive the eye of experienced connoisseurs. We regret, for the credit of our countrymen, that the conclusion drawn by us is supported in the premises, by no better authority than that of Dr. Clarke.

Here we have occasion to remark, how little this writer deserves the praise of the Edinburgh Reviewers, when they say that “*he has very great merit in having generally avoided the vice of most travellers—that of publishing what may injure individuals.*” In order to authenticate the story of the fraud about the picture by *Dietrici*, he adduces the testimony of two Italian architects, Guarenghi and Camporesi;—he even makes the latter entertain him with other equally surprising anecdotes of the state of the fine arts in Russia. Both these gentlemen have been for many years established in that country, and enjoy the consideration which every where attends distinguished talents.

—They have always been the objects of the special protection of government, and have been loaded with its favours,—particularly Mr. Guarenghi, who resides at St. Petersburg, where he is noticed by the court, and has occasionally the honour of being admitted into the private society of the reigning Emperor. Admitting that these artists did really communicate to Dr. Clarke the information he states, (which, begging his pardon, we think very doubtful,) was it delicate in him to expose them to the just reprehension of a people, by whom they had been treated with so much kindness?

Dr. Clarke thinks that “*under the present form of government in Russia, it is not probable the fine arts will ever flourish.*” The form of government, the vices of the nation in general, and the ill treatment of the serfs, are the circumstances on which he founds his opinion. It may be well to remark on this subject, that among civilized nations, those which enjoy a free form of government, are by no means the most advanced in the fine arts. They flourish not in Great Britain—neither is it in their cultivation, that the North Americans have displayed the success which marks their progress in the useful arts. Few are the Englishmen distinguished by their skill in painting, sculpture, architecture and music; while on the other hand, it would be no easy task to enumerate the crowd of artists, who in other countries, have acquired celebrity in every branch of the liberal arts. Indeed to the freedom of government which characterises Great Britain and the United States, may very probably be attributed their deficiency in this respect.—The national genius is directed, by the influence of political institutions upon the habits and occupations of men, towards those serious studies in which reason has a greater share than imagination.—Obliged to occupy themselves with public affairs, they devote their leisure and meditations to pursuits which may qualify them for public life, and open for them the avenues to power and distinction.—In the view of such men the useful arts will always predominate over the others. Bacon and Locke had published their immortal writings,—Newton had made his wonderful discoveries,—the great principles of legislation, on which the fabric of the British constitution reposes, were established, long before the pencils of Reynolds and of West had taught Europe, that England could produce painters of ability.

In the countries, where the government was purely monarchical, the fine arts attained to great perfection, before any progress had been made in the sciences of legislation, of poli-

tical economy and of civil jurisprudence. May we not therefore conclude, that the deficiency of the Russians in this respect is not to be attributed to their form of government? and can it be doubted that with us, as was the case in France and in Italy, the splendor and magnificence of the court will produce the same effect, of encouraging the advancement of the liberal arts, and exciting the emulation of the opulent nobles in patronising them? This indeed has already happened, and to prove it we need only invoke the testimony, of the many other travellers from various countries, who have surveyed St. Petersburg and Moscow, with less precipitation than Dr. Clarke. The general aspect of these capitals, the number of fine edifices they contain, the collections of paintings and statues both public and private, with which they abound, are sufficient proofs of the enlightened taste which prevails in their decoration. The book before us itself confirms our assertion; for though the author met at Moscow with a prince who was a dealer in minerals, pictures, &c., and who offered all his museum for sale, he makes us, in his eighth chapter, acquainted with seven or eight other noblemen who apply their precious collections to the most valuable uses.

Russia, without having produced artists to rival those of the first rank in other parts of the world, is not destitute of some who do honour to their country. The sculptors *Korlossky* and *Martos*, the painters *Levitzky* and *Egoroff*, the engravers *Stchedrine* and *Koshkine* may be unknown in London, but they are not so at Rome, and at Paris. The first whose name we have here mentioned, designed and executed the monument to Souvoroff at St. Petersburg;—and the second, that which is to be erected at Nishney-Novgorod to the memory of prince Pojarskay and the merchant Minine, who in 1612 expelled the Poles from Moscow.—The magnificent church consecrated to the holy virgin of Casan, which has lately been finished at St. Petersburg, was constructed from the designs, and under the direction, of a young architect formerly a slave of count Alexander Strogonoff. In this beautiful specimen of modern architecture, which is ranked immediately after the cathedrals of St. Peter at Rome, and of St. Paul at London, by intelligent connoisseurs, every thing, even the smallest ornament, is the work of Russian artists; the genius and workmanship of foreigners were rigidly excluded,—as if a presentiment had been entertained that a day would come, when such proofs might be useful, to repel the groundless assertions of foreign travellers.—Another serf, named Alexandroff, vassal to count Scheresnetoff, gained in three successive years, the first

prize of painting distributed annually, by the academy of fine arts at St. Petersburg, of which he was a pupil; he obtained his freedom and was sent to Italy in 1804, at the expense of the academy.

Dr. Clarke visited the booksellers' shops at Moscow. Without possessing the slightest acquaintance with the Russian language, and without making any of the necessary inquiries relative to Russian literature, he announces in the tone of a man qualified to decide, that "*books of real, literary reputation are not to be obtained either in Petersburg or Moscow.*"—Had he taken the trouble of opening the catalogue which we are told by himself fills an 8vo. volume of two hundred pages, (p. 55.) he would there have found the writings of Bacon, Hume, Adam Smith, Bentham, Filangieri, Montesquieu, &c. It is to be presumed that these books are read, since they are sold. Persons acquainted with the two capitals of Russia, must know that the commerce of books is in those cities very lucrative, and that the booksellers who deal in Russian books, generally enrich themselves faster, than those who sell books in other languages. We will not deny that bad novels are numerous in their collections, but where is this not the case? Do we not see, even in England, the splendor of the edition, frequently supply the want of intrinsic merit, in the productions which daily issue from the press?

Russian literature is yet in its infancy, and the number of original authors inconsiderable. That there should be even so many must excite surprise, when we reflect how lately the dawn of science broke upon the nation, and count the obstacles which they had to surmount, in a country so little prepared for their reception. There, as every where else, poetry led the way in the progress of the national literature.—Among the Russian poets are some who would do honour to any country: *Lomonoroff* and *Derjavine* in lyric verse, *Choraskoff* in epics, *Soumarakoff* in tragedy, *Kniagnine* in comedy, *Dmitriest* and many others in inferior departments. With better guides, Dr. Clarke might without difficulty have obtained this information.—Even the History of Russia, by Mr. Levesque, first published in 1781, would have furnished him with ideas on the subject widely differing from those he appears to entertain. We grant that Frenchmen, Englishmen, Germans, or Italians will find nothing in our authors particularly remarkable,—but we nevertheless believe, that they will offer a satisfactory result, to the observer of the progress of the human mind, who calculates the epochs and

weighs the circumstances, which have favoured or retarded the advancement of learning.

"*In the class of the nobles,*" says Dr. Clarke, "*the women are far superior to the men: they are mild, affectionate, often well informed, beautiful, and highly accomplished; while the men are destitute of every qualification which might render them, in the eyes of their female companions, objects of admiration.*" (p. 61, 62.)—Nothing is wanting to complete the contrast between the sexes, if we look back to what Dr. Clarke says of the men (p. 28). All the virtues are on one side, all the vices on the other. This is certainly the first time that it has ever entered the head of a philosopher, to draw a character of a whole people, which admits of no resemblance between the two sexes, and makes them in a manner of two distinct species. But surprise gives way to indignation, when we find this singular proposition made the foundation, of a picture of matrimonial life in Russia, so improbable and so disgusting in its details, that it can have been conceived only by a disposition eminently inclined to evil. There is a degree of depravation which a virtuous mind finds it difficult to credit, although proofs be given of its existence;—but, without adducing any proofs whatever, Dr. Clarke has published his account,—and since he has had the boldness to declare, that his assertions will not be contradicted in Russia, we will endeavour to expose their falsehood.

In the first place, it is absolutely untrue, that in Russia young ladies are confined in convents, until they are provided with husbands; and we defy Dr. Clarke to cite a single instance, where a marriage has been contracted, without a previous acquaintance between the parties. If what he has said be true, his residence at Moscow must render it easy for him to produce the examples we ask for;—but our readers shall judge, by a sketch of the system of female education in our country, how ill informed this author is on the subject.

The daughters of opulent nobles are educated at home, and are introduced into society, at the age of sixteen or seventeen years. Those of less wealthy parents in the classes of nobles or citizens, generally receive a public education, in the establishments destined for this purpose, and which are under the auspices of the Empress-mother, both at St. Petersburg and Moscow. Young ladies are admitted into these institutions at nine years of age, and leave them at eighteen. If Dr. Clarke had deigned, in imitation of many other travellers, who have visited Russia with dispositions less hostile than his, to cast an eye on these establishments, he would have found there, the nur-

sery in which are formed, those women who excited his admiration. In that which is entitled the *School of the Order of St. Catherine* at Moscow, two hundred young ladies receive at the public expense a finished education, such as their parents even in affluent circumstances, could not find the means of procuring for them. More than seven hundred others, taken from the class of nobles as well as of citizens, are educated in similar academies at St. Petersburg. These have of convents nothing but the name, and, in their organization, will bear a comparison with any thing of the same kind throughout Europe.—In all probability, Dr. Clarke must have heard of these houses of education;—but the hatred which he indulged for all that was Russian, stimulated his gloomy imagination to transform them into so many prisons or convents, in which the young Russian ladies wear out their infancy in tiresome seclusion, until the caprice or interest of their unnatural parents calls them forth to experience the horrors of a tyrannical marriage.

Our traveller has not thought proper to communicate any scandalous anecdotes, to corroborate his opinion of the contempt, in which the matrimonial tie is held among the Russians. His *delicacy* revolts at wounding the sensibility of individuals, whom the recital might affect. We sincerely congratulate him on his momentary return to feelings of decency;—but what stories could he have retailed, which might not readily be matched, in the scandalous chronicles of other countries? Anecdotes make us acquainted with individuals, and nothing more;—it would be absurd to generalize the consequences drawn from them, as he appears to do. The manners of a nation present themselves under so many different aspects, that the most judicious observer may easily be deceived, and mistake for a general rule, what is, in truth, only an exception.—Moreover, to appreciate them with equity, requires not only more time and attention than this gentleman has bestowed on the subject, but also moral qualifications, incompatible with the splenetic humour which betrays itself through his writings. The existence of connexions, of which gallantry is the cement, is impossible where the moral dispositions of the sexes are in direct opposition. If such ever took place, one of two consequences would have been inevitable: either the men would have communicated to the women their vices and their ferocity,—or the latter would have softened the habits, and polished the manners of the other sex. In either case, the general character of the nation would have assumed an uniform physiognomy.

The exiles in Siberia are not as unhappy, Dr. Clarke in-

forms us (p. 65.), as is generally imagined in England. "*Tobolsk is admirably adapted to the Russian taste,*"—and a Russian nobleman "*has no particular attachment to his country; none of that *maladie du pays*, which sickens the soul of an Englishman in banishment;*"—to him "*the sentence of exile can hardly imply banishment.*" We are unacquainted with the measure of sufferings endured by the convicts in Botany-Bay;—but we agree with Dr. Clarke, when he observes, that those banished to Tobolsk, find there the conveniences of life, and many alleviations of their melancholy existence. To the details he communicates about the capital of Siberia (evidently copied from *Chappe's Travels*), we will add, that independently of its being a much more agreeable place of residence, than could reasonably be expected, that city contains means of instruction and amusement, calculated to add considerably to the consolation of the exiles.—Among these are a gymnasium, several other schools, a literary society,—and a permanent theatre. The government contemplates founding there a university, (as we mentioned in a former page,) to which a present of 100,000 roubles was appropriated in 1803, by Mr. Demidoff.

We are by no means of opinion, that, in this instance, the penal code of Russia is defective.—We think the banishment of criminals, infinitely preferable to the punishment of death inflicted for petty crimes in some parts of Europe. Banishment to Siberia, whatever Dr. Clarke may say, is however to a Russian nobleman, the greatest chastisement which can be inflicted on him, and is considered as the most deplorable of misfortunes. Of this we have a proof in the occurrence (p. 66.) which he himself witnessed, on the occasion of the sub-governor's being exiled from Moscow. "*The whole city flocked to take leave of him—dangerous as such a testimony of their affection might prove.*" This generous trait by which the account is terminated, shows, that the most noble sentiments are not, as he has in so many places insinuated, strangers to the hearts of Russians even of obscure rank.

A prince Troubetsroy, turned dealer in minerals, &c. (mentioned in p. 67.) does really exist at Moscow, and is known there only by that circumstance. Hence may be estimated the sort of consideration he enjoys, and the singularity of the example;—but it is palpably false, that "*in the palaces of the nobles there is not one of their owners unwilling to sell any picture he possesses.*" On this subject we content ourselves with observing, that the finest collections are at St. Petersburg, and not at Moscow; and shameless as is Dr. Clarke, he would perhaps have abstained from this illiberal assertion, if

he had known that the galleries in question, are owned by the Strogonoffs, the Besborodkos, the Beleselskys, and other noblemen of that rank.

We now come at last to the offensive passage before adverted to, in which the author resuming his ordinary rhetorical figures, concludes his picture of Russian manners in the following words:—"It is a fact too notorious to admit dispute, that from the emperor to the meanest slave, throughout the vast empire of all the Russias, including all its princes, nobles, priests, and peasants, there exists not a single individual in a thousand, whose body is destitute of vermin." (p. 71.)

We deign not to answer seriously such chaste effusions of eloquence. It will suffice to advert to what this same writer says, on the subject of the baths, so common in Russia. "*In England they are considered only as articles of luxury; yet throughout the vast empire of Russia, through all Lapland, Finland, Sweden, and Norway, there is no cottage so poor, no hut so destitute, but it possesses its vapour-bath; in which all its inhabitants, every Saturday at least, and every day in cases of sickness, experience comfort and salubrity.*" (p. 117.) Thus, refuting his own declarations, he informs us that the Russians in spite of the vermin which devour them, are once a week at least, more cleanly than the inhabitants generally of other countries.

"*They*" (the Russians) *consider the English as a mercenary nation, and generally hate them, because they fear them, or court them if they want their support.*" (p. 73.) This paragraph is intended to excite in England the same hatred for our countrymen, that is betrayed in every page of Dr. Clarke's book. If nations hate, because they fear each other, why does he not instruct us, in what respect, Russia can ever have cause to dread the enmity of England? Has not experience sufficiently demonstrated her perfect security? If we seek the motive of this hatred in the opinions entertained of England, by the Russians, here again Dr. Clarke furnishes us with the strongest objection to the existence of such a sentiment—for, turning to page 70, we find: "*They*" (the Russian nobles) "*entertain extravagant notions of the wealth and happiness of Englishmen; and they have good reason to do so; since whatever they possess useful or estimable comes to them from England. Books, maps, prints, furniture, clothing, hardware of all kinds, horses, carriages, hats, leather, medicine, almost every article of convenience, comfort, or luxury, must be derived from England, or it is of no estimation.*" This statement is undoubtedly exaggerated, but yet there is much truth in it.

We leave Dr. Clarke to explain, how hatred and predilection can be cherished at the same time towards the same object. After all, if he found in Russia some manifestations of dislike to his countrymen, we will desire him to seek the cause, in that spirit of pride and insolence, which English travellers carry abroad with them,—and in their propensity to wound the feelings of other nations.

Fortunately for humanity, it is not in the power of any single individual to inspire hatred between countries;—if it were, Dr. Clarke might lay claim to the horrible distinction. There can be none better qualified to excite feelings of ill will. We trust, however, that justly indignant as our countrymen must be when they peruse his libel, they will content themselves with despising the slanderer, without involving the country which gave him birth, in the same reprobation.

We cannot omit making a few remarks upon the story of the hat belonging to Mr. Cripps, which is represented to have been *stolen* by some Russian nobles. Let us not be misunderstood.—God forbid we should for a moment admit the possibility of the fact!—We notice it, only to display the depravity of this writer, in advancing so serious an accusation on such frivolous grounds. This impudent charge rests upon the testimony of tavern-servants—and is intended to establish the belief, that young men of family, and rich enough to possess English race-horses, could descend to such an act of meanness for the purpose of procuring a London-made hat, which is to be converted into a jockey-cap! The co-incidence of circumstances which accompanies the discovery of the thief, is no less wonderful than the act itself. The doctor and his friend make an excursion in the environs of Moscow; a young nobleman rides up to the side of their carriage, mounted on an English racer, and habited like a Newmarket jockey—(a dress severely prohibited at that time)—a gust of wind carries off his cap—Mr. Cripps, with unaccountable civility, descends from his carriage to recover for its owner, the unlucky cap, which he finds to be no other than his own hat metamorphosed,—and all this without any attempt on the part of the thief, to prevent a discovery so alarming to him, especially as he had forgotten to efface the name of the hatter, and that of Mr. Cripps on the lining! Obligated to reconcile all these absurdities, before we can acquit Dr. Clarke of having asserted a falsehood, we shall be pardoned for thinking that he has done so,—and has invented a tale as full of improbabilities, as it is offensive to the inhabitants of Moscow.

We shall notice the visit to the archbishop of Moscow, only

because we find in the account of the conversation with that prelate (p. 121.), additional instances of the breach of confidence, which has already called for our animadversion. Archbishop Plato is one of those by whom the traveller and his companion were most cordially received, and whom they ought consequently to abstain from compromising;—but we find that Dr. Clarke, though he does not honour him by defaming his person, puts into his mouth discourses calculated to injure him, not only with his government, but even with his best friends. There is surely more than indiscretion, in what he is made to say of his own brother, “*who translated all his sermons from the English,*”—and of the empress Catherine, his benefactress, whom the archbishop has quite the air of ridiculing, when he speaks of her being so vain of her correspondence with Voltaire. Should Dr. Clarke’s book ever get to Moscow,—(and we believe that it will, precisely because it is a libel,)—the venerable prelate will not be flattered with the figure he makes in it. Whether he have held or not the discourses attributed to him, he will feel regret, at having received the visit of such an individual, who calumniates his hosts, even when wishing to speak of them advantageously.

The state of the peasantry is a subject which he has not failed to seize upon, in order to scatter his accustomed favours upon our country. Among other ridiculous exaggerations we read, (p. 137.) the following.—“The only property a Russian nobleman allows his peasant to possess, is the food he cannot, “or will not, eat himself; the bark of trees, chaff and other refuse”—and “you find the poor labourer, surrounded by riches, and yet dying of hunger”—“Extensive pastures covered with cattle, afford no milk to him.”

The editors of the Quarterly Review have anticipated the answers we should have made to a great part of these rhapsodies. Their remarks (p. 120. vol. iv.) must have satisfied all those, whose judgment is not swayed by party spirit.—An English officer, the respectability of whose character is as distinguished as his exemplary valour, has also had the generosity to take part in the controversy, and to defend our countrymen. His testimony as an eye-witness, and the respectable authority with which he supports it, justifies the hope, that his efforts will be efficacious, in repelling the shafts of calumny. Dr. Clarke himself appears to acknowledge, that he has grossly disfigured the truth, since he has thought proper to subjoin to his own performance, a long extract from the manuscript journal of Mr. Heber, in which the condition of the Russian peasantry is very differently represented. The information

collected by Mr. Heber approaches very nearly to the exact truth, with the exception of a few mistakes 'so unimportant that we think it unnecessary to rectify them.—After recommending this extract to our readers, we shall content ourselves with adding a few reflections, to render more evident the mis-statements of Dr. Clarke.

The Russian army is entirely composed of those peasants, who are represented as groaning under oppression, and suffering all the horrors of privation and famine. If the condition of these people were such, how happens it that charged as they are, with the external defence of the empire, as well as with the maintenance of tranquillity in the interior, they have never made an effort, in concert with their fellow sufferers, to change this monstrous order of things? Where shall we find the principle of those military virtues, which the greatest detractors of Russia concede to her soldiers, if it be not in their attachment to their native country? The existence among them of this patriotic sentiment, is plainly demonstrated by the rarity of desertions in our service, even when our armies are in foreign territories, where the soldier is enabled to make comparisons, in many instances unfavourable to what he has seen at home;—by the heroic courage he invariably displays in the most terrible combats—by his constancy in supporting every hardship during the longest campaign;—by the unshaken perseverance with which he follows the national banners. Surely, such sentiments cannot flourish in the hearts of soldiers, drawn from amidst a herd of slaves devoted to misery,—and it would be the height of imprudence, we think, to confide to them the defence of a country, which bestows on them nothing but a choice of bitter sufferings.

The political events which marked the close of the year 1806, unexpectedly brought the theatre of hostilities upon the frontiers of the empire, and afforded a test of its moral energies. The interior was left entirely without regular troops, and the preservation of the existing order of things was abandoned to the "victims of oppression." Not only did undisturbed tranquillity continue to prevail, without the slightest symptom of discontent among the millions of serfs, who compose three fourths of the Russian population,—but the idea was conceived and partly executed, of raising a national militia of more than 500,000 men, a portion of whom actually took part in the military operations, which immediately preceded the peace of Tilsit.—That slavery, therefore, such as we find it in Russia, should be by any means as oppressive, as Dr. Clarke pretends, is incredible. Had he been more attentive

in his observations, he would have discovered that the absence of positive laws, or rather the insufficiency of existing regulations, to limit personal slavery, is in a great degree compensated, by the effects of the *nationality* common to the master and the serf. Both have the same origin, the same language, the same religion, the same customs and habits, and in some measure the same prejudices;—both are alike subject to the irresistible control of an absolute government, watchful to prevent the abuse of power on the part of the superior. Those masters who are guilty of excessive severity, are either deprived of the administration of their property, which is then confided to the nearest kinsman, or else are made to receive the value in money, and their estates are annexed to the domain of the crown. In the instructions given to the governors of the provinces, they are always particularly enjoined, to be vigilant in respect to the commission of such abuses, and to inform the government of them without loss of time. The extract from Mr. Heber's journal (p. 133,) will show that the liberal views of the administration are not always unattended with success. We can assure our readers, that the account of the confinement of the countess Soltikoff in a convent, as a punishment for her cruelty, is perfectly authentic.

Notwithstanding the alleviation of personal slavery in Russia, it is confessed, that there yet remains much to do, before the great work of emancipation is completed. Time has given to this evil the character of an inveterate malady, not to be cured, but by slow and circumspect treatment. The first steps towards this invaluable object, were made in the commencement of his present imperial majesty's reign,—and the friends of humanity will learn with satisfaction, that they authorize the most sanguine expectations of success.

By an ukase of 20th February 1803, the general principles on which the emancipation of serfs, shall henceforward be effected, are established.—Among the provisions of this memorable act, is one particularly deserving attention, which declares that no deed of enfranchisement between master and serf shall be valid, until it has received the emperor's approbation.* By additions to this ukase, which were promulgated in 1804, government has facilitated the execution of deeds of enfranchisement, by considerably abridging the legal forms, and diminishing the costs and charges of registration.

When a village is enfranchised, the proprietor must abandon

* The object of this clause, is to prevent extortion on the part of the masters, in cases where the serfs are able to purchase their freedom.

at the same time to its inhabitants, the entire property in all the lands appertaining to it.

Such are the fundamental principles on which is established the emancipation of serfs in Russia. We are firmly persuaded of their efficiency, and we experience lively gratification while informing our readers, that the stimulus to the benevolent law of February 20th, 1803, was given by a nobleman, Count Serge Roumianzoff, who set the example, by liberating two hundred peasants, to whom he abandoned all the lands belonging to the village they inhabited, without receiving any retribution whatever.—He was soon followed by numerous imitators, and as early as 1805, the reports of the Minister of the Interior stated at 16,000 individuals of both sexes, the list of serfs who had received their freedom.* The law now recognizes them, under the denomination of *free cultivators*.

The government has thought proper to go still further in the province of Livonia, where the authority of the landlords over their serfs, had from its extent, occasioned several intolerable abuses. A committee composed of members of the Livonian nobility, was ordered to prepare a system of regulations, which should fix with precision, the respective obligations of masters and vassals. The work received the imperial sanction on the 20th February, 1804, and the Livonian peasantry, formerly in a worse condition than any others of the same class in Russia, have acquired rights, which completely shield them, from the arbitrary treatment of their landlords.

We here terminate our remarks, on the observations which a residence of four weeks at Moscow, had enabled Dr. Clarke to make. In noticing the misrepresentations which abound in every chapter of his book, we have selected those which were particularly injurious to the moral character of our country.—It would have been impossible to refute every charge, without entering into a tedious train of repetitions;—but we indulge the hope, that what has been said will suffice to determine the opinions of our readers, with respect both to his competency and credibility as a witness. In the remainder of the book we have found nothing new relative to the morals of the Russians, whom he had already anathematized in his preface.—His observations are marked throughout with the same deep tinge of prejudice.—The geographical and statistical details

* We have not at hand any official documents of a later date than the above—but from facts which have come to our knowledge, it is highly probable that the number has considerably increased since 1805.

which he has given, are to be found in all the elementary treatises on Russian geography;—it is even very easy to procure that marine chart of the coasts of the Crimea, which he has presented as a treasure precious and rare, to the British admiralty.

The absurdities advanced by Dr. Clarke on the origin of the Don Cossacks, and his exaggerations of the conduct of our countrymen in the Crimea, are ably refuted in the *Quarterly Review*, c. 8. vol. 4, to which we refer the reader; we will add on this subject but a few general reflections, which shall close the irksome task we have undertaken.

To the praises of the Don Cossacks we cordially subscribe. In spite of the efforts of our traveller to represent them as a distinct nation, we see in them only brothers and fellow-countrymen.—They speak the same language, profess the same religion and practise the same customs. We rejoice at finding them, an exception to the general reprobation he bestows on Russia.—But we cannot as readily admit the moral superiority attributed to them. Hitherto no Cossack has ever distinguished himself in the sciences or the arts, or even in mechanic pursuits.—In whatever has been done in these respects, throughout the empire, the Cossacks have had no share whatever.—Dr. Clarke has consequently committed an error, in exalting them over their fellow-subjects, as to the qualities of mind, and is equally incorrect with regard to the pretended enmity existing between them.—To the Cossacks is confided the guard of the frontiers on every side;—the advanced posts are always theirs in the Russian armies. How has it happened that this confidence has never been betrayed; that vengeance has never been exercised upon their oppressors?

As to the conquest of the Crimea and the deeds of violence which followed, we certainly will not undertake to justify them on the principles of rigid morality; but we think at the same time, that of all the acts of a similar nature which history records, there is none more excusable on the ground of political necessity, than the one in question. The Tartars, whose fate excites so much of Dr. Clarke's commiseration, were nothing more than the remnant of those innumerable barbarians, who after having twice ravaged Russia with sword and fire, held her, during two hundred years, in the most oppressive subjection. After their yoke was shaken off, by the conquest of Casan and Astrachan in the sixteenth century, these Tartars, driven back upon the Crimea and the adjacent provinces, retained their pristine and mortal enmity to the Russians.—They were always the faithful allies of the Turks,

and their precursors in all the wars, which took place between the two empires, until the peace of Kainardji in 1774, gave a decisive ascendancy to Russia in those countries. Even this ascendancy was insufficient to protect altogether the Southern provinces of the empire, from the incursions of the Tartars, who from a conformity of religion and ancient habits, retained a marked partiality for the Ottomans. The possession of the Crimea became therefore indispensable, if it be true that security is the supreme law of nations;—and we find in it, politically speaking, nothing reprehensible but the circumstances which accompanied the conquest. When these are said to surpass in atrocity, the horrors which have lately desolated Spain and Switzerland—we must observe, that no treaty of alliance offensive and defensive, united the Russians and Tartars previously to the occupation of the peninsula;—that the latter, far from being the faithful allies of Russia, had in every instance, been prodigal of their blood and their treasures, in the cause of her enemies,—and consequently that there exists a most material difference between the objects of comparison.

Here again we are struck with the contradictions of our author.—After informing us that the Russians “*laid waste the country—cut down the trees—pulled down the houses,*” &c., (p. 380) he tells us, that in his visit to the Karaite Jews he was “*highly entertained—by the singularity of having found one Jewish settlement, perhaps the only one upon earth, where that people exist secluded from the rest of mankind, in the free exercise of their ancient customs and peculiarities.*” (p. 387.) And further, (p. 422,) “*Soon after the capture of the Crimea, precisely at the time of terrible earthquakes in Hungary and Transylvania, a large portion of the immense cliff above the village of Kutchuckoy fell down, and buried it. The late Empress caused the place to be restored at her own expense, indemnifying the inhabitants at the same time, for the losses they had sustained.*”

As Dr. Clarke has undertaken to explain on several occasions the meaning of Russian words, and to determine their pronunciation and orthography, we think ourselves obliged to correct some of his errors, in order to show the degree of confidence he ought to inspire as a linguist.

The Russian sandals are not called *Labkas*, but *lapti*. The word *Célo* or *Sélo*, (p. 140,) does not signify a church, but a village in which there is a church. Speaking of the capital of the Don Cossacks which he calls *Tscherkaskoy* instead of *Tsherkask*, its true name, he with great gravity, announces that “*the terminating syllable Koi signifies a town,*” whereas

it is simply the inversion by means of which, the substantive is declined in the genitive case; for instance *Tsherkaskoy gitéle*, inhabitant of Tsherkask. The word *town* is, without exception, rendered by *Gorod*. But enough on this subject, which we might greatly extend, if we chose to animadvert on all the mistakes of a similar description.

Our traveller takes great pains to inspire a belief, that he was exposed to numberless persecutions, from the police-officers in Russia. We have noted all the incidents which have given occasion for his complaints. Having attentively marked his progress from St. Petersburg to Odessa, where he embarks for Constantinople, we ascertain from his own statements, that all the molestations endured by this martyr to despotism, may be reduced to the following occurrences:—1st. Being conducted before the commandant of Moscow to exhibit his passport.—2d. His quarrel with the post-master, between Moscow and Soula, who insisted on the doctor's taking off his hat before the emperor's picture, (p. 142).—3d. The insolence of the procurator of the government among the Don Cossacks, who would not allow a foreigner to rifle the public archives at Tsherkask, (p. 212.)—and lastly the indiscreet loyalty of commodore Billings, (Dr. C's own countryman by the by,) who as an officer in the service of Russia, would not perjure himself by favouring criminal researches in the harbour of Sebastopol, (p. 394-5,) for which any stranger whatever would have been shot in France, and hanged in England. To these *atrocities* may be added the bad supper given him, by the poor commandant at Asof, during which the officers of the garrison annoyed him with their impertinent questions, while the old general Pekin endeavoured to amuse him by performing, in spite of his 73 years, the Russian national dance.

With the exception of the above mentioned instances, we find that our travellers, far from meeting with interruptions in their progress, from the officers of government, experienced a reception and assistance, from the commandants of the places they visited, which they were not entitled to expect, considering the then political relations between Russia and Great Britain.—Before leaving Moscow the British ambassador, *secretly* conveys to them, letters of recommendation, from the governor of St. Petersburg to the governor of that capital, and to general Michelson, commander in chief in the Crimea, (p. 139.) By means of these letters they *purchase* the long-wished for *Podorajnaja*, and in order to leave the country by the shortest route, and to get rid of the "*vigi-*

lant eye" of the police, they determine to visit the territory of the Don Cossacks, Kouban, Circassia and the Crimea. They traverse the country under an escort of cavalry, which scarcely suffices to quiet their fears of banditti and highwaymen. At Oxai and at Tsherkask they rest for a few days, and partake of good dinners on services of plate. In the country of the Cossacks of the Black Sea, they meet a general Drashkowitz, who treats them with the amusing spectacle of an expedition against the *Lesguis*, who are mistaken by Dr. Clarke for Circassians, (p. 293-4.)—At last they reach the Crimea—professor Pallas (who by their account was banished there for indiscreet conduct,) is not afraid of lodging them for months in his *prison*, which proves to be a palace.—He even accompanies them in their excursions upon the coast of Sebastopol:—prince Viasemskay, the governor, provides apartments for them in a palace belonging to the crown, and a gun is fired to announce to the garrison the arrival of these illustrious personages, (p. 362.)

Such is the treatment Dr. Clarke receives every where after his departure from Moscow.—It must be confessed that all travellers are not thus *persecuted*; but then too they do not all, like him, take their revenge by turning spies. Fortunately for Russia the British admiral, Lord Keith, who at that time commanded in the Mediterranean, and to whom Dr. Clarke hastened to present the fruits of his illicit researches, upon the coasts of the Crimea, did not think proper to execute our traveller's brilliant military conceptions, for the conquest of the peninsula with *one thousand men*, (p. 443);—otherwise our countrymen would have paid dearly for the hat stolen at Moscow, and the unpleasant day passed at Azof.

Having now concluded our remarks on Dr. Clarke's Travels, so highly extolled by the Edinburgh Reviewers, we believe every unprejudiced reader will think with us, that the latter have grossly erred in their review of that work. As foreigners we pretend not to judge of the author's style;—but whatever may be the manner in which he has clothed his ideas, taste and decency are frequently offended by the comparisons he employs, and the disgusting details of his descriptions. To compare Russia to an *enormous toad*, and its inhabitants to *two-legged hogs*, is assuredly not refined, and gives no exalted opinion of the habits of life and sort of society, to which the author has been accustomed.

The vogue which his book has obtained, is chiefly attributable, to the character given of it by the Edinburgh Reviewers. Praise was unexpected from a quarter, whence had

issued deserved censure upon other literary productions of the same kind.—Can they have forgotten their own declarations, on the subject of the accusations brought by Sir Robert Wilson, against the head of the French government, and their remarks on Acerbi's Sweden? The very extensive circulation of their journal, which is read in every country, without excepting Russia, would enable them to exert a salutary influence, in correcting the prejudices which separate nations, and which foment reciprocal animosities. The present circumstances of Europe would render such an application of their talents peculiarly meritorious,—for never did national antipathies manifest themselves with more virulence; never was the voice of conciliation more necessary. But deaf to these considerations, the Edinburgh Reviewers have taken pains to render the Russians odious and despicable in the eyes of Englishmen, for the purpose of maintaining the proposition, that it is not Russia but Austria, that ought to be made the point of support, in Great Britain's political arrangements on the continent of Europe. However plausible this opinion of theirs may be, it can in no manner justify them, for giving weight to the calumnies of a libeller, such as Dr. Clarke. Less alarmed by these literary thunderbolts, than surprised that they should be launched, from what we have been accustomed to regard, as the sanctuary of liberal principles, we lament the fatality, by which party-spirit exercises such sway over the most enlightened minds.—Their example confirms the maxim, that to repose blindly on the judgment of others is at all times dangerous, and that great reputations are often least to be depended upon.

A Sketch of the Military System of France, comprising some observations on the character, and designs of the French government; to which is added, an inquiry into the probable duration of the French power.—pp. 102. Baltimore, 1812.

THE title alone of this pamphlet is fitted to awaken the curiosity of persons, who take even a much less lively interest than ourselves, in the important topics of which it professes to treat.—Our attention was drawn to it, however, not merely by the complexion of the subject matter, but by some few extracts from the body of the work, which were inserted, with an appropriate eulogium, in a Baltimore gazette, some days before its publication. These were of a nature to prepossess the lovers of good writing very strongly in favour of the author, and to excite in our minds, expectations by no means usual in relation to American literature, of the same, or any other purport. We cannot say that we were feasted to the full extent of our hopes, when the pamphlet itself came into our hands, but we may remark with truth, that we were on the whole, edified, and grateful for the repast with which we were furnished.

One of the principal reasons, why we have not hitherto noticed, the productions of this sort, which have occasionally issued from the American press, since the commencement of our critical labours, is, we must honestly confess, the extreme difficulty, if not impossibility, under which we have laboured, of reconciling the only language we could wish to hold,—that of commendation,—with the dictates of our judgment, and the duty we owe to the public.—We do not pretend to assert that this has always been the case, or that we may not have erred in a few instances; but we have not often found, particularly in the style of our political pamphlets, that stamp of excellence, which, conformably to our code of official morality, alone justifies us in appearing as panegyrists.—The present pamphlet is, we think, in several respects, above the common order, and deserves to be recommended to public attention, not solely as a repository of many ideas equally just and instructive, but as a specimen, with exceptions indeed, of vigorous, and elegant diction.

When we meet with productions of real merit, we shall never be wanting in the disposition to exhibit them to the best advantage, nor hesitate to encourage their authors, as far

as our approbation can be of avail, to persevere in exertions, from which both profit and honour are likely to redound to their country.—It is well known, to us, as it is to all who have an extensive acquaintance with the state of American intellect, that if our press is not now prolific of able disquisitions in moral science generally, and especially in politics, the circumstance is not owing to incapacity, but to a want of liberal leisure, or more frequently, to a certain inertness and self-distrust in numbers, who are otherwise qualified to render essential service to the cause of letters.—At this solemn crisis, individuals of this class, are bound by every consideration of patriotism, and of duty, both social and domestic, to repel the suggestions of indolence or self-love, and to make some sacrifices of ease, or incur some slight hazard of reputation, in attempts always laudable, to enlighten the judgment and to improve the taste of their fellow-citizens.—We rejoice, therefore, particularly, at the present instance of successful emancipation from the thralldom of apathy and false shame, and cordially thank the writer of this pamphlet for the salutary example he has set; an example which if it were followed even by a small portion of those, who are worthy of treading in his footsteps, would soon prove to the world, in spite of the doctrines maintained in a certain description of our gazettes, and of the “cataracts of declamation” poured forth in our deliberative assemblies, that we are far from being universally the idolaters of French despotism, or even generally, what might be inferred from our legislative proceedings,—

—too weak to bear
The insupportable fatigue of thought.

While, however, we proffer such testimony as the foregoing, to the merits of the author of “the Sketch,” we do not wish to be understood as concurring in all his doctrines. The leading proposition of his work,—that the French power is destined to be short-lived,—still appears to us extremely questionable; nor do we think the arguments, which he has adduced in its support, by any means conclusive. It is not because we have heretofore maintained the reverse of his opinions, that we are now disposed to combat them; but because we are not yet convinced, and because we consider any hypothesis on this subject, however flattering to the hopes of the good, and mortifying to those of the bad, which is not founded upon clear analogy and fair conjecture, as likely to do more mischief, than can result from the anticipation of the *most probable* issue, be that as disastrous as it may.—We will

be credited by our readers when we assert, that we would most joyfully and promptly retract, what we have elsewhere urged concerning the duration of the French power, if we could but be made sensible of the illusion, by which, it is not at all impossible, that our judgments may be hood-winked.—No mathematician could experience more delight, in achieving himself the quadrature of the circle, or discovering the longitude, than we should, in recognizing from any quarter whatever, the *demonstrated* presumption, that the dark and baleful cloud so long incumbent upon the continent of Europe, is to be dissipated, even within the long and EVENTFUL term of ten or twenty years allowed by our author.

Without meaning to speak profanely, or rhetorically, but rather in the warmth of our zeal for the interests of religion, both natural and revealed, and in the sincerity of our deliberate affection for those of freedom and science, we will venture to add, that we look to the event of the overthrow of French despotism, as to a second redemption for mankind;—as to the “renovation of a faded world”;—as,—when compared with the reverse,—to the commencement of an era, like the millenium of the Apocalypse.—There is something in this idea that kindles all our enthusiasm;—something which, if it were as just as it is exhilarating, would almost reconcile us to the “every day’s report of wrong and outrage,” of which we may truly say with the poet, that “our soul is sick and our ear is pained.”—But the present is not a season for the indulgence of extravagant hopes, and it behoves the provident politician, to weigh well *all* the probabilities of the case;—to contemplate the question under every phasis.—From the performance of this essential duty, he will not certainly permit himself to be deterred, by the fear of plunging timid minds into abject despair, or by the arrogant and absurd imputations which have been, from time to time, thrown out against those, who venture to exercise their reason dispassionately on this subject.

The object of our author in the first part of his pamphlet, is to exhibit an outline of the origin, genius and effects of the military system of France, and to show from her adherence to this system, as well as from her political history, that she aspires to universal dominion.—In his second section, he undertakes to prove, that the structure of her power, however vast, is even now tottering, and must, in the space of a few years, be totally dismantled.—Before we proceed to notice the reasonings upon which he founds this conjecture, we shall follow him

in some of his preliminary details, and lay before our readers a few samples of his manner.—We would object in the outset, to the mistaken or feigned modesty of the writer, in styling himself “a mere tyro in letters,” when the tone of his work bears evidence to the contrary.—We give him credit for habits of liberal research, and for very respectable acquisitions in literature, although we are inclined to think, from the tenor of several of his observations, that his reading is not extensive on the subjects, which he undertakes to investigate. He seems, for instance, to think, that an inquiry into the sudden and portentous increase of the power of France, would be something novel at this time, whereas the subject has been thoroughly discussed by a multitude of able hands, and may be found in its fullest extent, in the writings of Mr. Burke, of Gentz, of Fisher Ames, and of the *Edinburgh and Quarterly Reviewers*.—The question too, of the probable duration of that power, has been often agitated; with the view indeed, in almost all cases, of supporting the conclusions which our author himself has adopted.

After some introductory observations of a general nature, he proceeds to give a well written account of the military condition of Europe, in the middle ages, and of the rise, progress, and influence of standing armies.—As preliminary also to an exposition of the present French system of compulsory levies, he traces, with great spirit and force, a succinct history, of the progress both political and military, of the French revolution.

We must remark here, that there is some inconsistency between the faithful picture which he draws of the condition of Europe, under the feudal system, and the effects he ascribes to the introduction of standing armies.—“The feudal governments,” it is said, “were essentially oligarchies of the very worst description; the authority of the prince and the laws were openly set at defiance; the people were oppressed by exactions of every sort; the state was torn in pieces by intestine commotions,”—and yet to “standing armies we are to refer the rapid growth of arbitrary power in Europe; the enormous increase of taxation; to them it is owing that Europe has been converted into an immense intrenched camp, in which nothing is heard but the din of arms; in which nothing is seen but blood, slaughter, and confusion.”*—Surely a person so well versed in the history of Europe as we presume our

* We suspect that our author has framed this passage from the 17th C. B. 13, of the *Spirit of Laws*. Montesquieu, however, inveighs only against the enormous abuse of the system.

author to be, will not contend, that the state of mankind in that quarter of the globe, after the introduction of standing armies and regular monarchies, was not, under all points of view, infinitely preferable to what it was before?—that the pecuniary burdens imposed upon the people, were not much lighter, when considered in reference to the comparative amount of their resources, and the scope then first given to productive labour;—that the evils of war were not greatly lessened in number, and mitigated in severity?

The almost universal doctrine among the writers, who have treated of the progress of modern civilization, is, that the institution of standing armies was a most efficacious improvement, under the circumstances in which Europe was placed, at the commencement of the reign of Charles the Seventh of France, to whom, by the by, our author attributes much greater ability, and deeper designs, than are to be inferred from the details of his life.* In contributing to the subversion of the feudal system, and to the establishment of orderly government, standing armies were of incalculable service to the advancement of civil liberty. In effecting likewise the exemption of the great proportion of the population of the European states, from the toils and dangers of military service, they not only favoured in an eminent degree, the pursuits of agricultural and commercial industry, but were indispensably preparative, to all the social comforts, the moral refinements, and the liberal arts, which made Europe, before the French revolution, in the glowing and just language of Mr. Burke,—“the most beautiful and august spectacle ever presented to the moral eye, in the long series of ages that have furnished the matter of history.”†

What historical truth has here extorted from us on the subject of standing armies, must not be interpreted into a general recommendation of these dangerous auxiliaries.—In themselves, they are without doubt serious evils, and to be studiously avoided by every free government, as long as the public

* The testimony of Bolingbroke may suffice on this point. “Lewis the Eleventh,” says this great master of History, “was, according to the French, the first, ‘qui mit les Rois hors de page.’ Before Lewis came to the crown, the English had been driven out of their possessions in France, by the poor character of Henry the Sixth, the domestic troubles of his reign, and the defection of the house of Burgundy from his alliance, much more than by the ability of Charles the Seventh, who seems to have been neither a greater hero, nor a greater politician than Henry the Sixth, and even then by the vigor and union of the French nobility in his service.”—Letter VI., on the Study of History.

† Letter to William Elliott, Esq.

exigencies do not imperiously require their aid.—But it is not the less true, that they have been rather the source of benefit than of evil to the continent of Europe, when the effects of the system to which they succeeded are taken into consideration. It is, indeed, problematical whether the infirmities of our nature admitted of any better substitute, and whether so vast a tract of territory, parcelled out into a number of independent states, could, as war is inevitable, have enjoyed any tolerable share of felicity, or reached even the mediocrity of civilization, with a different organization of their physical strength.

Many writers, enlightened and warm advocates of freedom, have advanced, that standing armies regulated in a particular way, and kept within moderate bounds, so far from being dangerous, were rather favourable to liberty.* We have seen that in England for two centuries past, experience has fully verified this doctrine.—The persuasion seems now to have become general throughout this country, that, whatever may be the hazard of the experiment, the United States must at length avail themselves of this species of military force, as a safeguard against external violence. We must confess that, if the number of troops lately decreed to be raised, were *effectively* thrice what it is now but *in mere enactment or speculation*, we should entertain no serious apprehensions on this score, for the integrity of our constitution, while the spirit continued to prevail, which we suppose to animate at present the great mass of the nation.—We believe with Bolingbroke that “all standing armies for whatever purpose instituted, or in whatsoever habit clothed, *may* be made the instruments of faction; but at the same time, that if a spirit of liberty be kept up in a free nation, it will be kept up in the army of that nation, and in this case, though the spirit of faction may do hurt, it cannot accomplish the ruin of the commonwealth.”

The observations made in the present pamphlet, on the French revolution, are strikingly just, and for the most part eloquently expressed.—The opinion that the French rulers wantonly provoked the war of 1792 against Austria, is maintained by the writer, in common with almost every other candid and diligent inquirer into the history of that period.—Of the Jacobin society, he truly says “It was they who raised the storm in which the bark of royalty foundered, and the prosperity of the nation was wrecked; who converted the spirit of

* We refer the reader particularly to Dr. Smith's chapter on the expense of national defence. *Wealth of Nations*. B. V.

innovation into a thirst for blood and an insane love of anarchy, who worked up the revolutionary tempest, and then 'rode in the whirlwind,' and directed the fury of the storm."* The following passage with respect to these sanguinary usurpers, is equally correct.

"It requires no extraordinary degree of sagacity to discern other and more adequate motives (than the alleged treaty of Pilnitz) for the conduct of the jacobins, in declaring war against Austria. Having possessed themselves of the sovereign authority in France, they sought, by involving their country in war, to augment their power, and render it permanent. While they remained at peace with foreign states, they dreaded an insurrection of the people, against their tyrannical sway. A war, by placing at their disposal an immense military force, would enable them to crush every insurrection, and would render them entirely independent of the popular will."

"But the preservation of their powers by means of a military force, was not the only motive of the jacobins for declaring war against Austria;—they were Frenchmen—and they inherited from their fathers an insatiable thirst for conquest. They were possessed of means incomparably greater than those with which Louis the fourteenth had attempted the subjugation of Europe, and they were vain enough to believe that they could apply them with far greater ability."

After presenting a short notice of the immense pecuniary resources, of the first revolutionary government of France, with a view to the corroboration of his hypothesis, concerning the probable duration of the French power, our author proceeds

* We are not quite as well pleased with some other of our authors figurative phrases. For instance, the following—"When the 'accusing spirit' shall convey to 'Heaven's Chancery' a detail of the arrogance, of the obstinacy and of the injustice of Britain, the 'recording angel' recollecting the aid so generously yielded to Spain and Portugal in their utmost need, 'shall drop a tear and blot it out for ever.'" This borders a little on bombast. We never much admired the hackney'd metaphor of Sterne, of which the writer makes so forced an application here, and which, we observe, he introduces in another part of his pamphlet. We dislike also the use of the interjections, Alas! and Ah! as in page 16 and 46—and the ejaculatory style of some of his more laboured passages. Nor can we tolerate in a work written a twelvemonth before its publication, so slovenly a sentence as the following. "*It is this scheme of universal conquest, I repeat it, which occasioned the adoption of the system of compulsive military levy; which has induced the emperor to retain it alone of all the institutions of the republic, and to enforce it by so many cruel sanctions, that a majority of the people of France have learnt to abhor and detest their government, and to vent curses not loud but deep, against it and its favourite measure, the system of conscription.*"

to remark, that "whether that government was encouraged by the possession of means so extensive, or prompted by ambition to commence the war which it has ever since waged against the liberties of Europe, it is certain that it derived from the existence of that war a pretext for adopting the system of compulsive military levy." This system he thinks it material to explain in detail to his readers, and for this purpose lays before them, copious extracts from the exposition of the Conscription code, published in the *Edinburgh Review*.—He then institutes a comparison between this terrible digest of barbarity, and its model, the Roman system of recruitment, in order to show that the former has an intrinsic, peculiar deformity;—features of cruelty and depravity not belonging to the other. The first point of difference, is important to the great question of the general plan of the French government, and cannot be better explained than in the language of the pamphlet:—

"With respect to the Romans, then, it may be alleged with truth, that they were propelled by necessity to the adoption of the system of compulsory levy:—such a system was, at that time, essential to their defence against the warlike tribes which pressed their little commonwealth on every side, and threatened it with premature extinction.—The French, on the contrary, adopted the system without necessity, at a time when they could have raised, by voluntary enlistment, an army sufficiently numerous, not only to defend France, but to make every other state on the continent tremble for its safety.—That they adopted it without necessity, is an inference fairly deducible from facts notorious to all the world."

Some of these facts our author enumerates. Nothing more, however, can be wanting than a mere general knowledge of the circumstances of the continent, and of the resources of France, in spirit, population, and treasure, now and at every period of her revolutionary history, to convince the most bigotted of her admirers, that she can and could raise, without resorting to the system of conscription, "a military force more than sufficient for any legitimate purpose." If so, as this writer justly exclaims, how terrible a responsibility have they incurred, who introduced, and, he might have added,—who maintain this system! What a mass of human misery have they unnecessarily produced! How many curses are daily and hourly imprecated on their heads! How many accusing sighs and groans are registered in Heaven against them!

To us, who have witnessed the operation of this horrible scourge, there seems nothing artificial or misplaced in such

exclamations as these, or in any others of a still more impassioned tenor on the same subject.—When we recollect what we have seen, we bow to the supremacy of French guilt and misery, to use a phrase of Curran, “in the undissembled homage of deferential horror.”—The unutterable anguish of which we have been spectators, the suicides which fell under our observation, occasioned by the terrors of a final separation between parent and child, under the most appalling prospects, still haunt our stricken imagination, and would prompt us,—forgetful of the stupor which locks the judgment and the heart of our rulers,—to obtest their reason and their humanity, and warn them, in the intensity of our experimental loathing, against the criminal and destructive fraternity, which they are now seeking with the fell mover of so monstrous an engine of oppression.*

Another feature, which, according to our author, distinguishes the French from the Roman system, is this,—that the term of service in the latter was *limited*, while in the other it is *unlimited*.—But a still more disgusting and cruel refinement in the modern code, is what we shall proceed to state, in the words of the pamphlet:

“The Romans, of course, punished the refractory conscript and the deserter: the French inflict punishment not on them only, but—*proh pudor!* on their innocent parents! In all the annals of tyranny nothing can be found more detestable than this. The statutes of Draco were said, because of their excessive rigour, to have been written in blood; but he, sanguinary as he was—or Nero, or Caligula, never dared so far to outrage human feelings, as to enact a *law inflicting punishment on parents for the crimes of their children*. A stranger to the character of the French military code, and of the French government, would suppose that this excessive rigour, this novelty, this anomaly in legislation, was reserved for offences of the deepest dye. How great would be his astonishment, and, if he possessed one particle of virtuous feeling, how glowing would

* On the subject of the agency of the conscription, we would subjoin to the exclamations of indignation, grief and terror which it so naturally wrings from every one, who, like our author, examines it in its details,—as a solace to his and our own feelings, and an admonition to those who would, as it were, concur in perpetuating its duration,—that he at whose nod it might cease, is himself a victim to pangs scarcely less excruciating, than those which he occasions in others; that he writhes, even amidst the din of arms and the parade of royalty, under the severest torments which conscience, the severest of all tormenters, can inflict.

— Prima est hæc ultio, quod se
Judice nemo nocens absolvitur.

be his indignation, when he learnt, that it was aimed at a venial trespass, at an offence not *malum in se*, but only *malum prohibitorium*—that its object was to prevent human beings from attempting to escape perpetual slavery.”

On this topic of the amercement of the parents of refractory conscripts, we could cite a multitude of cases of the most harrowing atrocity, which came within our own immediate knowledge, during our residence in France.—One among the number, with the circumstances of which we were particularly affected, forcibly recalls itself at this moment to our recollection.

In attending a public examination in Paris, of the pupils of the Abbé Sicard, the celebrated instructor of the deaf and dumb, we found ourselves seated near to a person of a genteel appearance, habited in deep mourning, and in whose countenance was portrayed the deepest affliction of mind. Although objects of this description had become almost familiar to our eye in the French capital, there were about this individual, indications of grief so fixed and overwhelming, that our attention was particularly attracted to him, during the whole of the exhibition.—We observed him, in the intervals between the Abbé Sicard’s interrogatories, showing to the persons next to him, something in the shape of a portrait; in doing which, he appeared to be strongly moved.

The curiosity and sympathy which he awakened altogether, induced us to accost him, as soon as we were at liberty to do so, and to request permission to inspect what we had seen in his hands. He presented it to us willingly, but not without lively emotion, and shedding at the same time a flood of tears. We discovered that what we had supposed to be a portrait, was a petition to the Empress Josephine, worked in hair, and executed with admirable skill and beauty. It stated, that the petitioner was the father of eight children; and that he depended for the support of his numerous family, solely upon his gains as an artist in this material;—that two of his sons were refractory conscripts, and were then suffering the penalties of the law, in one of the *dépôts* formed for the reception of this description of *malefactors*; that the fines imposed on him, on account of their delinquency, were too heavy for his means, and threatened him with beggary; that he had travelled on foot from Bordeaux, where he resided, in order to throw himself at her feet, and to solicit her intercession in his own favour, and for an alleviation of the fate of the unhappy criminals; and that, in the composition of what was thus submitted to her, he had employed the hair of his remaining offspring, and a portion of his own grey locks.

After reading this piteous statement, we questioned him more particularly, and were informed, that some days had then elapsed since his arrival in the metropolis, but that, being destitute of suitable patrons, he had not succeeded in bringing his petition under the eye of her Imperial majesty. He had adopted the plan, of frequenting all the public exhibitions, to which he could gain access, in the hope, that by disclosing his case, and making known his singular talent, in the way we then saw, he might at length excite the compassionate zeal, of some individual able to befriend him efficaciously. We could readily understand from his manner, that he was not sanguine as to the success of his application, even should it reach the throne, so inflexible, according to his own remark, was the government, in relation to whatever interfered with its military regulations.* His two sons, the causes of his distress, and for

* The principles upon which these are still executed, and the *alacrité* with which they are obeyed, may be judged of by the following "extract," published in a Bordeaux paper, from the Registry of decrees, of the prefecture of the Gironde.

The Prefect of the department of the Gironde,
Baron of the empire.

30th June, 1811.

Taking into consideration the circular of the counsellor of state, director general of the conscription, dated 30th May last, in which he orders judgment to be given without delay, and all those conscripts of 1811 to be condemned as refractory, who did not make their appearance at the reviews of the different departments, or who abandoned their detachment during their march;

Taking into consideration the complaint made by the captain of recruits, in execution of the 68th article of the imperial decree of the 8th fructidor, the 13th year, against the dilatory conscripts of 1811, and deserters during the march;

Considering, that, there are, perhaps, amongst the individuals who have been denounced to us as being in a state of insubordination, some conscripts who yielding to dangerous counsels, hope to escape the pursuit which is instituted against them, and that the certainty which they must feel, of being discovered by the authorities, by destroying this hope, will recal them to their duty;

That a last exhortation addressed to all conscripts and to their families, will deprive of all shadow of complaint, those who obstinately persist in disobedience, and who will finally be condemned as refractory conscripts, decrees—

Art. 1st. The list of dilatory conscripts and deserters of 1811, who have been pointed out to us by the captain of recruits, will be printed at the end of the present decree, and transmitted to the mayors charged with notifying it to the families of these conscripts.

4th. Those conscripts who, by the 20th July next, do not conform to the regulations expressed in part third of the present decree, will be declared refractory, and in consequence of this sentence denounced to the imperial procurators, in order to be condemned to the punishment expressed in the 70th article of the decree of the 8th fructidor of the 13th year.

The mayors are charged to give, before the 15th July, to the under prefects, instructions with regard to the parents of the conscripts named on the

whom he appeared to feel much more than for himself, had both been educated as artists, one in his own line of occupation. They had, in concert, endeavoured to escape the operation of the conscription, and after successfully eluding for some time the pursuit of the *gendarmérie*, were at length betrayed into the hands of the mayor of one of the municipalities.—We afterwards encountered the father at the same institution on another occasion, but lost sight of him soon afterwards, and were never able to learn whether he had finally accomplished his purpose.

Our author dwells with much feeling on the miserable condition of the conscript. The picture he draws of the evils, to which the youth of France are exposed, under the operation of the military system,—and which, as we can attest, excite with them and their relatives, a degree of abhorrence and dismay correspondent to the reality,—is fully warranted by the tenor of the printed code, and by the experience of every attentive observer, who has visited that country within the last ten years.—The following passages from the pamphlet, and many others which our limits do not allow us to quote, are strictly in unison with the fact, and illustrative of the true character and views of the French government.

“If, prompted by an ‘insurgent consciousness of right,’ the unhappy man makes an effort to release himself by flight from the iron grasp of military despotism, he only subjects himself and all who are dear to him, to more protracted torments. An enormous fine is levied on his property, or if he has none, on that of his parents, who have no control over his actions, no share in the offence. His paternal lands, or the savings of his happier years are swallowed by the devouring gulf of imperial rapacity. His relatives are turned out, houseless and moneyless, to encounter the cruel buffetings of an un pitying world; or, on suspicion of connivance, are subjected to punishments still more severe. If he be taken, either death, the last resource of the unhappy, releases him at once from his misery, or, he is condemned to suffer a punishment of long protracted

list, in order that they may be enabled to regulate, if there is occasion, the fine which they are to demand of them.

They will inform the subordinate prefects at the same time of the amount of the taxes paid by the conscripts and by their parents.

The *maximum* of the fine will be imposed, if the information required by law is not given in by the 15th July next.

The present decree will be printed and affixed in all the towns of the department.

Done at Bordeaux, at the Hotel of the Prefecture, the day, month, and year, above stated.

toil and ignominy—to drag on the sad remnant of his days in hopeless wretchedness. If, too wise to attempt an escape by flight from the all-searching despotism of his government, he submits to his destiny, how dreary to him is the journey of life!”—A slave, for an unlimited time, to military law, through the gloomy vista of futurity he can see no prospect gilded by a ray of hope, no limitation of misery, no term beyond which freedom and happiness will be his.”

“What could have been the motives which induced the French government to adopt, what can be the reasons which cause it, without necessity, to persevere in so monstrous a system;—a system discordant with the manners, habits, feelings and prejudices of every civilized people—a system which paralyzes industry, arrests the progress of the arts and sciences, diffuses poverty and misery far and wide, and causes the great body of the people to abhor and detest their rulers? Why has it fortified this system, odious and terrible in its ‘best estate,’ with so many cruel sanctions? Why does it outrage the feelings of the people, and earn for itself a never-dying infamy, by punishing the innocent for the crimes of the guilty, by making parents responsible for the actions of their children, whom they have not seen for years, and who are, in many cases, separated from them by a thousand leagues of ocean? Must not the motive which induced it to adopt and persevere in a course so revolting to human nature, have been one of uncommon strength and cogency? Yes: there is such a motive, a motive in which we shall find a ready answer to all these inquiries. *France has long aimed at universal conquest.* No other adequate one can be assigned for the adoption of the system of conscription. The rulers of France were no doubt aware that it would destroy their popularity, and entail misery on their country; but they also knew that it would enable them to disregard the wishes of the people; and they were willing to sacrifice the prosperity and happiness of France to the attainment of their great object.”

Our author goes on to remark, that the belief of the immeasurably ambitious aims of France, rests upon other and stronger grounds, than the mere adoption of the system of the conscription. It is, moreover, he adds, established by the uniform tenor of her conduct towards the nations of the earth, from the time of the Jacobin domination until the present day. He might have added, that the scheme of universal conquest is to be directly and unavoidably inferred, from the language of all her official papers; from the salutation, of “master of the world,” contained in every address made

to her grim tyrant by his prostitute functionaries, through every gradation of rank and servility;—from the members of the Senate, of the Institute and of the Ecclesiastical Council, down to the Mayors of the petty villages.—The full prelibation of empire which this “scourge of God” and his partners in rapine have already had, and the inebriating potions which they have administered to the vanity of their wretched and thoughtless victims at home, have inflamed both the one and the other, with a raging, unquenchable thirst of domination. In the raptures of triumphant anticipation, and the insolent elation of that confidence, which their prodigious successes and resources have but too justly inspired, they are either unable, or deem it useless to conceal, and therefore do not hesitate to proclaim ostentatiously, the whole extent of their profligate hopes and designs.

Which of the nations of the continent is it, that can mistake the meaning of the following passage, extracted from the report of Count Lacépède made to the French senate in December 1810, in the name of the government, on the subject of the conscription of 120,000 men then proposed to be raised—“The empire now embraces a number of nations who, for a long series of ages, were far from conceiving the thought, that they would one day bear the French name. Their interest and that of France require that all lines of separation should be destroyed between the new portions of the empire, and the ancient limits of its territory. An elevated foresight has created a powerful political means, of cementing the connexion between all the nations that have become French, by regulating the general territory of the empire, upon so uniform and comprehensive a plan, *that it is now, in the system of Europe, as it were, a great basis, towards which the neighbouring states gravitate, if I may be allowed the phrase, in order to insure their present repose and their future security.*”

To accumulate proofs, however, with respect to the views of the French government, seems, at this day, to be superfluous. On this subject, there is now but one opinion among all, who prefer any claims to discernment, or profess to follow the course of European affairs. The solemn promulgation, in the English house of lords, of the doctrine for which our author contends, from the mouth of Lord Grey, so long and so ardently associated with Mr. Fox, in the maintenance of the opposite creed, and still one of the principal, as he is one of the most eloquent leaders of the anti-ministerial party in Great Britain, has, in that country, divested scepticism, before destitute of all colour of reason, of every remaining shadow of au-

thority, and has almost overcome even the pertinacity of faction and authorship. Here also, the strong lights which have been shed on the character of the French government, and which have disclosed its deformity even to the purblind and the jaundiced eye,—the evidence afforded by our own sad experience,—the avowed conversion of the most intelligent, and heretofore the most inflexible of the chiefs of the democratic party, to the sentiments on that subject, now become universal abroad,—the audible, unequivocal cries of the whole universe, justly fasten upon the man who may still refuse to recognize in France, a systematic and most formidable enemy to the liberties of the human race, the imputation either of incorrigible dullness, or egregious presumption, or gross affectation, or the want of principle.

The time we think is not far distant, and God grant that it may not be brought near by domestic misfortune, when even the cursory reader of our gazettes, will secretly blush at ever having seriously instituted a comparison, between the morality of the two great belligerents of Europe, and when every American, of whatever political denomination, alive to his individual safety or attached to national independence, will consider French alliance as the heaviest of all public or private calamities.

The picture given by our author of the consequences of a reliance upon French friendship, and the observations to which it leads him, are rigorously accurate, and will afford a good specimen of his manner.

“The most earnest professions of friendship, the most solemn treaties of peace and amity, afford no security against a sudden invasion by the military force of France. Professions of friendship, of regard, and even of ‘*love*’—treaties solemnly ratified, in the face of heaven—these are only the opiates which that perfidious government administers, to lull its victims into a fatal sleep. They greedily swallow the gilded pill, they repose on the lap of false security—they dream that ‘the rights of a just nation are ever respected’—that they will long enjoy the blessings of tranquillity,—that their wealth and prosperity will continue to increase, ‘that it is a waste of the public treasure to prepare for wars which may never happen;’—such, and still more fantastic and absurd are their dreams, until they are suddenly awakened by

‘— The neighing steed, the shrill trumpet,’

and the loud-thundering cannon of an invading enemy. Anon, they behold the pavements of their cities stained with the best

blood of their country—they see the standard of France waving over the parapets of their fortresses—they see the smoke ascending from the ruins of the cities whose inhabitants had attempted a fruitless resistance. Their constitution and their laws are abolished: the code of Napoleon, whose fundamental principle is blind obedience to the commands of a military despot, is every where proclaimed; enormous contributions are imposed; in default of payment, the cottage, the palace and the consecrated temple are subjected to indiscriminating pillage, the grave itself is forced to open its ‘ponderous and marble all-devouring jaws,’ and disgorge its wealth. Ere long, vast tracts of country are seen, in which the profound and deathlike stillness of desolation, is interrupted only by the triumphant shouts of a brutal soldiery, or by the groans of their victims. This is not declamation, this is not hyperbole, alas! it is history—and every Spaniard can tell how true. •

Quis talia fando,
Myrmidonum, Dolopumve, aut duri miles Ulyssæi,
Temperet a lachrynis?

“It is from the fatal sleep which may expose them to all these accumulated horrors that I would arouse my countrymen. But, alas! my efforts will be fruitless. A warning voice has already cried aloud from the tombs of the departed European republics, telling them to beware of the arts of France—to distrust her professions—to avoid all connexion with her—to prepare, in time, for the defence of their liberty against her insidious attacks. They have not heard it—they still slumber. Would they but arise in their strength, and, armed at all points, watch with a jealous eye all the movements of this foe to the human race, the danger which now menaces them, might be averted. The black and lowering cloud which now threatens to pour its vengeance on them, would ere long be dissipated.”

We have now to investigate the theory of our author concerning the probable duration of the power of France. We could heartily wish that this theory were as sound, as its purport is consolatory.—It rests however, as we have before stated, upon arguments in our opinion far from being conclusive. We must object in the first place, to the proposition with which the second division of the pamphlet commences.—It is as follows;

“Assuming it then as a fact, that France is actuated by this lawless spirit, it behoves those nations which still retain their independence, to inquire most diligently into the nature and extent of her power, and whether the enormous and blood-ce-

mented fabric which she has reared on the ruins of European liberty and independence, is of a durable and permanent, or of a perishable and transitory nature. Without an accurate knowledge, as far as in the nature of things it is attainable, of these particulars, it is impossible for a government, at the present day, to form a wise and comprehensive system of national policy. So great is the power of France, so decided is her influence in the great family of nations, that any system of national policy, not predicated on a knowledge at once profound and comprehensive, of the nature, extent and probable duration of that power and influence, must be a wretched system of expedients, liable to continual change, from the operation of unknown causes—ever varying with the varying events of the hour.”

Now the question of the duration of the French power, does not appear to us to be of the importance here attached to it. The point must always be attended with uncertainty; as on the one hand, chance must be allowed to have much to do with the fate of empires, and on the other, no man however sanguine in respect to the overthrow of French despotism, can contend that this event will infallibly happen, within any given time, or that it is susceptible of demonstration, so far as to warrant absolute confidence. The whole resolves itself into a comparison of doubtful probabilities; nor is there, we think, a degree of verisimilitude for either alternative, sufficient to form the sole basis of a system of national policy.—Although the government of our own country, for instance, should not implicitly adopt in speculation, either one or the other hypothesis, there might yet be no lack of steadiness and provident wisdom in their management of the national concerns.

In a case like this, where the sequel is inscrutable to the human eye, and serious doubt must be allowed to hang over every calculation, the wisest policy indeed, would unquestionably be, to look to, and be prepared for the worst; that is, the subjection of the whole continent of Europe to the French arms, for an indefinite period.

This perspective is not of a nature to create or to justify despondency, as it must be apparent to all reflecting minds, that both England and the United States, would, notwithstanding, continue to flourish, by the adoption of wise and mutual plans of defence. This anticipation, if their measures were shaped accordingly, could not but be salutary in any event.—Our author himself allows, that it is not probable that the power of France will be reduced within its ancient limits, even in twenty years. If so, it is certainly not material for the government

of the United States or of Great Britain to take at all into view, in adjusting its plans, the event of that reduction; for nothing is more clear than that the mischiefs, which either power may have to apprehend from France, must happen before the expiration of that term, or not at all;—and that if they can successfully combat her ambitious designs, for so long an interval, they may bid defiance to them for ever.—The continent of Europe, at the end of twenty years of subjection to the corroding despotism of France, would be much less formidable to England and the United States, than it is at this moment, when all its resources, now *comparatively* abundant, and wielded with a spirit as implacably hostile, and with an energy no less fearful than they would then be,—are, according to our author's own forcible representation, in pages 60 and 64, entirely at the disposal of Bonaparte.

The capacity of England to resist the assaults of France, although the latter should consolidate her dominion over the continent, and the true policy of the United States at this momentous crisis, are topics of which we shall speak more at large hereafter. So far, there will, we conceive, be no difference of opinion between us, and the author of the "Sketch."—The only matter in controversy, is, the sufficiency of his reasons for believing, that France must, "before many years shall have elapsed, be reduced to her former rank among the powers of Europe."—The principal grounds of his belief are as follows:—1st, That "great conquests which, like those of France, are rapidly effected, are rarely permanent, and that those only are permanent which are effected by slow degrees;"* 2d, That her pecuniary resources are nearly exhausted: 3d, That her population is insufficient to recruit the military establishment, requisite to keep the continent in awe: 4th, That the people of the continent are no longer the same feeble and degenerate race as heretofore, but have acquired in the school of adversity, energy and courage sufficient for their emancipation. These positions, all of which seem to us destitute of foundation, are attempted to be supported by minor and incidental considerations, to which we shall advert in the proper place. On each of the above points we shall animadvert as fully, as our narrow limits and restricted leisure will allow.

The first as merely speculative, can lead to no positive opinion. Admitting even, what we do not consider as correct,

* There is evidently a solecism in the sense of this phrase. The two propositions contained in the sentence, are incompatible with each other. We take the author according to his meaning, which is not, however, any where very precise on this point.

that the testimony of all history shows, that great conquests which are rapidly effected, are rarely permanent, it would by no means follow, "that those only are permanent which are effected by slow degrees."—The fact can at the most, warrant no other inference, than that great conquests of the nature described, *attended by nearly the same circumstances*, as those recorded in history, are likely to experience the same fate.—Thus in the case of France,—to furnish any plausible grounds of belief, such as our author entertains with respect to the decline of her dominion, drawn from the examples he cites, it would be first indispensable to show, a close resemblance in the general character of both.—The mere circumstance of a like rapidity of success, can generate no conclusion.

We cannot, moreover, admit it "to be a law governing the whole moral and physical world, that those things which are suddenly produced are deficient in durability, while those are long-lived which attain to maturity slowly." This is a doctrine to which no experienced naturalist will subscribe, and which, as far as we know, is not sanctioned by the authority of any great ethical writer. It would lead to a classification much more comprehensive and precise than any which has hitherto been successfully attempted, either in natural or moral philosophy. We need scarcely add, that the instances of the mushroom, the oak, or the ephemeron quoted by our author, cannot serve as the foundation of reasoning in a case like the present.—Examples drawn from the material world, prove nothing as to the immaterial.—With respect to this branch of our author's argument, upon which he appears to lay much stress himself, and which is the strong-hold of many who speculate on the same subjects, we cannot reason more to our own satisfaction, than in the language employed by Mr. Burke, in the commencement of his first letter on the Regicide Peacé. This great authority is discussing the validity of comparisons similar to those, which we have just noticed, and expresses himself thus:—

"Parallels of this sort rather furnish similitudes to illustrate or to adorn, than supply analogies from whence to reason.—The objects which are attempted to be forced into an analogy, are not found in the same classes of existence. Individuals are physical beings, subject to laws universal and invariable. The immediate cause acting in these laws may be obscure: the general results are subjects of certain calculation. But commonwealths are not physical but moral essences. They are artificial combinations; and in their proximate efficient cause, the arbitrary productions of the human mind. We are not yet ac-

quainted with the laws which necessarily influence the stability of that kind of work made by that kind of agent. There is not in the physical order (with which they do not appear to hold any assignable connexion) a distinct cause by which any of those fabrics must necessarily grow, flourish, or decay; nor, in my opinion, does the moral world produce any thing more determinate on that subject, than what may serve as an amusement, (liberal indeed, and ingenious, but still only an amusement) for speculative men. I doubt whether the history of mankind is yet complete enough, if ever it can be so, to furnish grounds for a sure theory on the internal causes which necessarily affect the fortune of a state. I am far from denying the operation of such causes: but they are infinitely uncertain, and much more obscure, and much more difficult to trace, than the foreign causes that tend to raise, to depress, and sometimes to overwhelm a community."

"It is often impossible, in these political inquiries, to find any proportion between the apparent force of any moral causes we may assign and their known operation. We are therefore obliged to deliver up that operation to mere chance, or more piously (perhaps more rationally) to the occasional interposition and irresistible hand of the Great Disposer."

Our author commits a mistake as to the fact, when he asserts, that the testimony of all history shows, that those conquests alone are durable, which are effected by slow degrees. The reverse is rather the case.—With the exception of the Roman, all the great empires of long duration, were established in a comparatively short space of time. The Assyrian, the Persian, the Mahometan, and in modern times the Spanish and Portuguese in South America, are of this number.* —That of Alexander was, it is true, broken into fragments after his death, but not by the efforts of the conquered. The spoils fell to his generals, and his native kingdom, Macedon, retained, until the subjugation of all Greece by the Romans, that ascendancy which Philip his father had given her over the Grecian peninsula. There can be no parity of reasoning as to the Macedonian conquests in Asia, and those of France. The latter are not made, and to be maintained, at a distance, on another continent.—France herself is situate in the centre of her newly acquired empire, more advantageously than was Macedon in Greece, or Rome in Italy, to whose domestic dominion as it may be called, rather than to their foreign sway, her present power can be alone appropriately compared.

* We refer the reader on this point to the English Universal History, to Bossuet's "*Histoire Universelle*," to Gibbon, &c.

The various conquests achieved over Asia after the destruction of the Roman power, were transitory indeed, but from causes having no connexion whatever, with the celerity of their accomplishment.—They were scarcely any thing more than predatory in their nature and object, and unaccompanied by any of the arts or circumstances, which were indispensably necessary to give them permanence. One body of invaders or usurpers was quickly dethroned and succeeded by another, and the case could not be otherwise, from the character and peculiar situation of the Asiatics.—Montesquieu remarks that in his day, Upper Asia had been already subdued thirteen times.* The reader has but to consult the remarks of the same author, concerning the constitution of the French monarchy in the reign of Charlemagne,† and to advert to the history of his immediate successors, to be satisfied, that the dissolution of the great empire which he so laboriously established, was in no manner influenced by circumstances arising out of the rapidity of its growth.—While the feudal system lasted, there could be no such concentration of power in one focus or head, as was indispensable for the permanence of such an empire.

We can find nothing in the circumstances under which existed, any one of the great empires of which we have here spoken, that has the remotest affinity to those, in which the French power is placed. Of course they can furnish no grounds of reasoning with respect to the duration of the latter.—If we want arguments from analogy, it is to Rome that we must recur, or to Macedon under the auspices of Philip.† Here we think there is matter for rational conjecture, and we are sorry to add, that in this parallel, almost every thing seems to militate against the hypothesis, and to refute the assertions of our author.—The successes of Rome, Macedon and France, are to be traced to nearly the same causes; to the same insatiable lust of dominion, and perfidious refinements of policy; to a decided superiority in military organization and tactics, on the part of the victors, and to a similar improvidence, irresolution and selfishness on that of the vanquished. The greater length of time consumed by the Romans in establishing their empire, was owing to the greater difficulties with which they

* *L'Esprit des Lois*. L. xvii. C. iv.

† *Ibid.*—L. xxxi.

‡ In the *Philippics* of Demosthenes there are to be found some very close and curious points of resemblance, between the character and policy of Philip and Bonaparte.—They can also furnish the British with important lessons, in relation to the question of peace with the new conqueror.

had to struggle. Their march to universal power was slow, because they were often compelled to halt, and even to retrograde. They never advanced a step, without encountering a new obstacle.

For somewhat more than five hundred years, until the final subjugation of the Cisalpine Gauls, and the extinction of the Carthaginian power, Rome contended with her equals as it were, and was always in danger of being overcome. During two hundred years more, until the usurpation of the Cæsars, while engaged in the extension of her empire abroad, she was exposed to the most serious perils, and assailed by enemies but little inferior to herself in strength. In surveying her history, during these two eras, without losing sight of her extraordinary resources of every kind, you are oftentimes astonished how she was able to extricate herself from the portentous hazards, which multiplied about her on every side, and at almost every moment, and which seemed to threaten her with inevitable destruction.—On the contrary, in reviewing the progress which France has made in the subjugation of the continent, since the beginning of her revolution, there is not in fact,—when the advantages under which she set out, and the character of the external obstacles which she had to overcome, are duly considered, wherewithal to excite much amazement. The inquirer experiences no great perplexity in conceiving, and even unravelling the issue. We find nothing, for the accomplishment of which, under such circumstances, the interval of twenty years would appear too short;—nothing in fine, either in her domestic concerns or her foreign relations, which was not, from the commencement, and in every stage of her revolutionary career, distinctly foreseen and minutely predicted.*

The many centuries which were required for the erection of the fabric of Roman greatness, could make but one serious difference in favour of its permanence; by producing an effect which our author takes for granted, but which is not attested by history. We mean the complete assimilation of the conquered to their subduers; the entire resignation and reconciliation of the former to the yoke of their tyrants.

* On this subject we appeal to the writings of Mr. Burke generally: Of this illustrious statesman and political prophet, who like the *haruspices* of old, may be said to have divined from the entrails of the victim, it is almost too little to affirm, in the language of Thucydides concerning Themistocles, that he was, τὸν τε παραχρῆμα δι' ἐλαχίστης βουλῆς κράτους γνώμων καὶ τῶν μελλόντων ἐπὶ πάντων τοῦ γνησομένου ἀριστερῶς εἰκάσας.

Until the Augustan age, however, when the policy of the Roman government for the first time ceased to be one of violence, and usurpation, and had for its object the consolidation of the empire;—the prosperity, and not, as before, the oppression and impoverishment, of the provinces,* there is abundant proof of dispositions on the part of the vanquished nations, directly opposite to those of cheerful submission, or sympathy of views and character. A considerable part of the Roman force was unremittingly employed in suppressing insurrections, which, it is true, rarely failed to become a source of additional strength, and the pretexts of further usurpations. At almost every disturbance in the *Comitia* of Rome, the states of Italy, eager to take advantage of the smallest circumstance which seemed to increase the chances of success, for an attempt to recover their independence, made a general effort to this effect.—When Italy was convulsed within by the revolt of the slaves, the distant provinces alike watchful, and ready to avail themselves of the least glimmering of hope, were instantly in arms, and leagued with the enemies of Rome. The same thing took place during the social war, as it was called, and the civil wars of the Triumvirate.—As late as the 663d year after the foundation of the city, the Italian “allies,” consisting of the Samnites, the Apuli, &c., revolted and combined against their former conquerors.—They elected civil and military officers of their own, to replace the political government at Rome, and assembled one hundred thousand men in arms. The historian Ferguson, in relating this insurrection, remarks, that “the Romans now found themselves in an instant brought back to the condition, in which they had been three hundred years before, reduced to a few miles of territory round their walls, and beset with enemies more united and more numerous, than ever had assailed them at once on the same ground.”

He adds, that the senate found it necessary to compose the disorders of Italy by making the concessions demanded by the allies, principally from the consideration “that the distant parts of the empire were soon likely to receive the contagion of revolt, and ready to withdraw on the first opportunity, the

* “If the Romans,” says Polybius in his ninth book, “had only carried away the silver and gold from the countries which they conquered, they would have deserved no blame; for they could not in general have held the vanquished in subjection, unless they had deprived them of that source of their strength and added it to their own.—But with respect to the riches of a different kind,” &c.

allegiance which they were supposed to own as conquered provinces."*

The conduct of Rome towards the nations subdued by her arms, was at all times no less tyrannical and rapacious, than that of France in relation to the victims of her ambition.—It was eminently fitted to keep alive the spirit of sedition and of hate, which so unequivocally manifested itself in all the provinces.† These, after being mercilessly ravaged by the sword, were habitually subjected to oppressions and extortions that would seem incredible, if we had not seen them equalled in the deeds of revolutionary France. For the preservation as well as for the acquisition of her power, Rome was indebted solely to the irresistible strength of her arms, to the terrors of her name, and to the arts of deception in which she was so consummately skilled. "There was scarcely," says Fisher Ames, "one of the twelve hundred years, which Rome subsisted, that her dominion was not odious or dangerous, and the greater part of the time both odious and dangerous, to her neighbours. The weight of her yoke was aggravated by her spirit. She not only chained conquered kings to her car of triumph, but, as her pro-consuls had to practise oppression in the provinces, that they might be able to practise bribery at Rome, she trod with the weight of a war-elephant, having a castle on his back, on the necks of her subjects.—There was no measure, as there was no end, to Roman exactions."‡

In the parallel between the Roman and French empires, the true question as concerns the probable permanence of the latter, is, whether Rome at the end of the first era of which we

* History of the Roman Republic, c. 13. See this work, and Livy, *passim*, for a full confirmation of the doctrine which we here maintain.

† See on this subject the orations of Cicero against Verres, the oration *pro Manli*: and almost every passage in his works referring to the foreign affairs of the republic.

‡ "While," says Montesquieu, "the city of Rome paid the taxes as she pleased, or paid none at all, the provinces were plundered by the knights, who were farmers of the public revenue. All history abounds with their oppressive extortions.—Hence it was that the strength of the provinces made no addition to, but rather weakened that of the republic; hence it was that the provinces looked upon the loss of the liberty of Rome, as the epocha of their own freedom." *Spirit of Laws*, b. 9.

"All Asia," says Mithridates in a speech reported by Justin, "expects me as its deliverer, so great is the hatred which the rapaciousness of the pro-consuls, the quirks and vexations of judicial proceedings, &c., have excited against the Romans." The oppressions exercised over the provinces by the triumvirate, almost surpass belief. The reader will find an account of them, and of the insurrections to which they gave rise, in the historians of the time.

have spoken, was more propitiously circumstanced for the preservation and extension of her dominion, than France is at this moment relatively to the same objects, within the limits of the continent of Europe. We are decidedly of opinion that she was not; and we would scarcely hesitate to affirm the same of her situation, at the beginning of what may be called the third and more tranquil period of her greatness,—the interval of four hundred years which elapsed from the reign of Augustus, to that of Theodosius the Great. The considerations which prompt us to adopt this conclusion, would, if we now undertook to detail them, involve us in a discussion much too long and intricate for this article. We may return to the subject in some future number, as one of liberal speculation, and not that we attach much importance, to any solution to which our researches might lead. In such inquiries as these, we are all liable either to be led into error by adhering too closely to analogy, and forgetting at the same time the vicissitudes of fortune, or to lose ourselves in what has been so justly styled “the infinite void” of the conjectural world. It is enough for us at present to have shown the mistake, which the writer of this pamphlet has committed, in relying upon the evidence of history to support his opinion, that the rapidity with which the power of France has been reared, furnishes a strong presumption against its permanence.

Nor is he, we think, more correct in supposing, that her pecuniary resources have entirely failed, or even that they are unequal to the exigencies of her situation.—We must premise on this point, that the apophthegm, which our author quotes, “that money constitutes the sinews of war,” is not universally true. If it be meant by this maxim, that a nation must have either a full treasury, or ample pecuniary means within herself, in order to overcome her neighbours, or to retain them in subjection, nothing can be more opposite to the experience, both of ancient and modern times. France herself furnishes the strongest evidence to the contrary, in the history of her revolutionary wars, during which she supported her triumphant armies, in great part, as she does indeed at this moment, by the harvest of their swords.* She, as well as her favourite model, Rome, exemplified the truth of the principle, that “war

* Ramel estimates the contributions levied on the countries occupied by the French arms, during a few years of the revolution, at five hundred millions of francs.—“*Histoire des Finances de la Republique.*” The convention had no system of finance or regular revenue. During the civil wars of Rome, and at the accession of Augustus to the supreme authority, the state of things was the same with the Roman power. The plunder of the provinces was its only source of pecuniary supply.

feeds itself—*bellum seipsum alit*”—a principle unerringly sure, when systematically acted upon, by a government whose armies are well constituted, and whose ruling passion is the subjugation of its neighbours.*

In the first part of this pamphlet, much is said about the expenditure of France in the time of the Convention. There can be no doubt but that this was immense, but it does not follow, as our author would infer, that an equal amount of treasure is now necessary, to the support of her military power.—France is no longer engaged in a doubtful war on her own territory, against the united strength of the rest of Europe;—she no longer arrays and supports fourteen hundred thousand men on her own frontiers, nor does she purchase, as she then did, at an immense price, the neutrality of foreign powers.—The recollection of the sums expended, and of the military successes obtained, by the jacobin government, would naturally lead to conclusions rather favourable than otherwise, to the supposition of the permanence of her present ascendancy.

“The republic of regicides,” writes Mr. Burke, in 1796, —“with an annihilated revenue, with defaced manufactures, with a ruined commerce, with an uncultivated and half depopulated country, with a discontented, distressed, enslaved and famished people, passing with wild eccentric course from the wildest anarchy to the sternest despotism, has actually conquered the finest parts of Europe, has distressed, disunited, deranged and broke to pieces all the rest.” If this representation be correct,—and most undoubtedly it is,—if the rulers of France under such circumstances, and when civil war was raging at home, could—before the year 1796—collect supplies both of men and money to enable them to achieve thus much—would it not seem at this time, when her territory and population are both doubled, when the dread of her power is still more universal and profound, when the greater part of the continent has, as it were, become habituated to her grinding dominion, when she possesses a regular, well-organized system of finance, when the military spirit prevails still more diffusively and actively, among her inhabitants,—would it not seem, we say, to be quite practicable for her present government, possessing as it does the most ready, complete, absolute command over all her resources of every description, and in itself of a character, if possible still more restless, ambitious, enterprising, audacious, perfidious, re-

* See the chapter of Machiavel (*discorsi lib. 2, chap. x.*) on the maxim that “money constitutes the sinews of war.”

morseless, energetic and prompt, than any of its predecessors, to collect the means of retaining the share of empire already won, and even of subduing in time what there yet remains of adverse strength on the continent?

The French Budget for 1811 estimates the receipts of that year, at 954 millions of francs, near forty millions sterling net revenue, collected from a population of forty millions of souls, without including the kingdom of Italy for a larger sum than thirty millions of francs. There is certainly no exaggeration in this estimate. We are indeed thoroughly persuaded that it is below the real amount.—The expenses of every description for the army, during 1809, amounted to 640 millions of francs, of which only 350 were defrayed by the treasury, the remainder being paid out of the foreign contributions.

According to the budget of 1810, the expenses of the army for that year, were defrayed nearly in the same proportions by the domestic and foreign fund.—The budget of 1811 appropriates the sum of four hundred and sixty millions of francs to the army, for that year, out of the public treasury.—The deficit to be supplied from abroad for the same object amounted probably, to two or three hundred millions.

It is to be collected from the reports of the minister of finance, that during the fifty-one months preceding the first of January 1810, the external receipts amounted to the sum of 1136 millions of francs. If we admit that the military force cost the imperial exchequer, during 1811, one half of the revenue collected from the empire for that year, there will still remain a sum of 577 millions francs, for the other branches of public expenditure; a sum considerably greater than the whole revenue in 1801, and nearly equal to the whole expenditure of the French monarchy in 1780, which greatly exceeded the receipts.

From the foregoing detail the reader will perceive, that although the revenue drawn from the empire, is insufficient both to support the civil establishment and to maintain the armies, yet the deficit is not so great as that it may not be collected from the "allies" without much difficulty. We have seen that this was actually the case as late as the year 1810.—We believe that France, as well as the rest of the continent subject to the power of Bonaparte, is in a career of impoverishment, and this may be proved from a comparison of particular branches, and of the whole amount of the imperial revenue, during some years past.—We believe also that Bonaparte cannot make any material reduction, either in his civil or military establishment, without endangering the security of his throne. We know, however, that this impoverishment is not so rapid as

to be likely to produce, any very sensible effect upon his domestic revenue, for many years to come. We are persuaded also that this revenue, aided by what he must be always able to collect, from his nominal allies, and from the enemies whom it may suit his views of rapine to make, will invariably yield wherewithal to maintain a force of 6 or 800,000 men; a force which commanded by the generals whom he has now in his service, or by those whom he is forming about him, must be sufficient, if any force can be, to uphold his present power, and even to accomplish his ulterior projects of aggrandizement on the continent.

The French are undoubtedly groaning under the heaviest load of taxation, and could perhaps, by no possibility, be made to yield *in a regular way, and under legal financial forms*, more than is now wrung from them. But who can doubt that Bonaparte or any military successor he may have, rather than suffer his plans to be baffled, or the military preponderance of the French nation to be lost, from the want of a few hundred millions of francs, would resort to means analogous to those employed by the convention to relieve their necessities? Nothing more is required than an exertion of his will, to transfer into the public coffers, almost every particle of surplus private wealth, diffused over his own dominions, or yet remaining in the countries subject to his influence.—The inhabitants of the empire would be found still more passive under any enormity of exaction, than they were in the time of the Directory.—If Bonaparte now fleeces to the skin, his submissive and well-tutored flock, he might and would excoriate them in a season of emergency.*

It cannot be said that France herself although much impaired in her resources,—that Italy, Switzerland, the countries on the Rhine, the north of Germany, the Illyrian provinces,—are so completely exhausted, as not to be capable of still yielding rich gleanings, whenever it shall choose their dauntless and ironhearted tyrant, to lay them under the requisition of the sword. If these should not be adequate for his purpose, the Austrian monarchy, the Turkish empire, and even the Russian yet remain to be plundered, and would, while they replenished his treasury, afford himself and his troops that occupation, which is natural and essential to both. “Material resources,” says Mr. Burke, “never have supplied,

* We adopt here the figure which Tiberius is said to have used at the commencement of his reign, when he affected tenderness for his subjects, as Bonaparte uniformly does, in his financial projects. *Boni pastoris est tendere pecus, non deglubere.* (Sueton.)

nor ever can supply, the want of unity in design and constancy in pursuit. But unity in design, and perseverance, and boldness in pursuit have never wanted resources, and never will."

The idea that "the population of the French empire is insufficient to recruit its present military establishment," seems to us still more visionary, than that which our author has advanced, on the topic we have just discussed.—The military strength of France in this respect is undoubtedly impaired, as are her pecuniary resources, but not in any degree to the extent supposed in the present pamphlet.—The diminution, such as it is, might perhaps be sensibly felt under the old system of voluntary levies, but should be prodigious indeed to interfere with the designs of the government, while the conscription law remains in force.—The population now subject to that law—and we have seen how it is applied—is little less than sixty millions.—In 1805, when the population of France was estimated at thirty-four millions, there were, according to the computation of Peuchet in his *Statistique Elémentaire*,* no less than 7,612,690 individuals, males between twenty-one and forty-one, liable to the military service.

Malthus taking the population of France at thirty millions, and having the other data of the French statistical writers before him, computes, that six hundred thousand persons would annually arrive at the age of eighteen.† We may certainly allow a much larger number at this time. It must be recollected, too, that youths of this age, are selected in preference, and have composed the levies of the last five or six years.—At the lowest calculation, three or four hundred thousand may be annually within the reach of the government, and certainly the mortality in the French armies, is not likely to exceed this amount in the same interval. There are now, in all likelihood, not fewer than eight or ten millions of individuals inscribed on the militia lists of the empire, under the denomination of the national guard, entirely, as indeed is the whole male population, at the disposal of the sovereign. Should it then require a million of chosen troops to keep Europe in awe, they will not, unhappily, be wanting, such is the plenitude of the resources of France in this respect, and such the portentous character of both her military and political organization.—This organization is expressly adapted to

* Page 247.

† B. 2, c. 6, Essay on Population.—His chapters on the checks to population among the Romans, and in France, fully elucidate this subject, and are in themselves exceedingly curious.

extreme cases, to gigantic efforts, to the acquisition and preservation of dominion at every hazard, and any cost. So far it sets at defiance all calculation with respect to its sufficiency, and leaves no scope for encouraging conjecture, but as regards the personal qualities of those, by whom it may be administered.

We are ready to admit that the fields in France are now principally cultivated by women, but this fact only serves to show, that the conscription falls heavily on one particular class of the community, the agricultural, the best and chosen materials of the armies. We may infer, moreover, that the military population of France is impaired, but there is a wide difference between this legitimate presumption, and the extravagant supposition, that it has dwindled to such an extent, as no longer to be sufficient for the purposes of the government.—The organization and employment of foreign troops for the French service, may be easily and satisfactorily accounted for, upon other principles than the difficulty of procuring men at home.—The number of these troops drawn from countries not actually included within the limits of the empire, is in fact exceedingly small, when compared with the whole imperial force. The entire number of troops not strictly French, although considerable, bears still, a proportion to the rest, too small to warrant any apprehensions of danger from their disaffection, if we could suppose them liable to be strongly influenced by this sentiment.—It is, however, not likely to obtain, and still less likely to be efficacious, with soldiery of any description, headed by French officers, and either divided into comparatively small bodies, or distributed almost individually, as may be easily done, throughout the mass of the armies.

The policy of drawing supplies from the new departments, and of employing foreign troops with proper limitations, is, in truth, eminently sagacious, and to us an additional and abundant source of apprehension, for the fate of the continent. It tends to husband the resources of France proper, the great seat of the strength, both moral and physical, of the empire; to reconcile her more and more to the evils of her own condition, and to heighten her alacrity in seconding the ambitious scheme of a further enlargement of the imperial dominion. It serves also,—and this effect is particularly contemplated by the profound adepts in history, and in human nature, who are “weaving the winding sheet” of the continent,—to assimilate the vanquished to their conquerors, by bringing them to fight under the same banners; by engaging them in a common and equally advantageous pursuit; by subjecting them

to the principle of military association, the *esprit de corps*,—with masses of men, the most efficaciously and actively operative of all moral affinities. The plan of the French government in this respect, is no other than that of the Romans, with regard to the states of Italy, by whose aid thus acquired, as Montesquieu justly remarks,* they enslaved the universe, even before they had completely mastered, or had even ceased to struggle with their auxiliaries.—There is obviously no analogy whatever between the case under consideration, and the conduct of Rome in the last stages of her degeneracy and decline, when either from imbecility, or treachery, or stupidity, she sought to uphold the crazy, disjointed, superannuated fabric of her power, by committing it to the protection of her worst enemies, the fierce and already warlike barbarians on her frontier.

The last ground of our author's reliance—the fancied improvement in the dispositions and means of the continent—is, in our eyes, even still less solid than any of the rest.—At the commencement of the French revolution, the continental nations were full of resource, elate with hope, fresh and entire in their strength. They are now in comparison a mere wreck, shattered and mutilated, in a state of dismay, abjection and impotence, the more hopeless, as it is a consequence of the sad experience, after reiterated efforts, of their inability to cope with their enemy. In the same proportion that they are enfeebled, overawed, and inert, is France fortified and emboldened. The disparity of force and temper, as regards their respective situations twenty years ago, is equal on both sides.—Upon any common principles of reasoning, how is it that we can indulge the expectation, under such circumstances, of seeing the balance of power speedily restored?

If the prostrate nations of the continent have not been roused to exertion, by what they have suffered from the despotism of their common tyrant, during the four years past, it is difficult to imagine the sort of calamity, or the “train of recollections,” by which their sensibility is to be, or can be, so far affected. If the horrors perpetrated in Spain in 1809, if the first efforts of the Spaniards to avenge their wrongs, if the diversion made in favour of the Northern powers by the war of

* *Grandeur et Decadence*, c. 9.—“As the Romans,” says this writer, in the fourth chapter of the same work, “had never considered the vanquished, but as instruments for future triumphs, they made soldiers of all the nations whom they subdued.—Some time before the second punic war, they drew from the *Samaritans*, whom they had conquered, and from their allies, seven hundred thousand infantry,” &c. to oppose the Gauls.

the Peninsula, have not stimulated the latter to one movement of exalted or generous despair, it is not given to us to conceive the kind of example, or of moral influence, which will be effectual to force into action their *inexplicable* and *sluggish* energy. —The fancy of our author, fired by the present delusive struggle in Spain, presents to his enraptured view, the whole continent of Europe bursting its fetters by one universal and simultaneous effort, spurning away the considerations of selfishness and fear, buoyed up to the highest point of desperate energy, and bearing down the legions of its oppressor, by an overwhelming superiority of numbers, and an irresistible impetuosity of attack. We are loath to disturb him in the enjoyment of this splendid vision, but we must confess that we cannot discern at this moment, in the sphere of sad reality, a single symptom of so miraculous a change.

From what quarter is the impulse now to come, since the example of Spain has been fruitless? If Russia and Austria were not completely subdued in spirit, and helplessly conscious of their weakness, would they quietly look on while their enemy hunts his victims in the Peninsula, fully alive as these powers undoubtedly are, to his intentions and dispositions in their own regard? * If they saw the possibility of safety

* The following passages from the official speech of Count Sémonville to the French senate, concerning the annexation of Holland to France, are of a nature not to be easily misunderstood:

"The empire of habit and of self-love, is as powerful over nations as over individuals.—In vain do the changes which occur about them, advertise them of their own decline. A blind self-attachment renders them insensible to the lessons of experience, and they render their end more disastrous, by the efforts which they make to avoid it."

"The times have gone by, in which the conceptions of some statesmen had given credit, and importance, in the eyes of mankind, to the system of balances, of guarantees, of counterpoises, and of political equilibrium.—Pompous illusions, these of cabinets of the second order! Vain hopes of weakness which vanish before domineering necessity!"

"Holland, as well as the Hanseatic towns, would remain exposed to incertitudes, dangers, and revolutions of every kind, *if the genius which sways the destinies of the continent*, did not cover her with his invincibleegis; the Emperor has resolved in his wisdom, to incorporate them with the immense family of which he is the head."

"In adopting this high determination perhaps he yields himself, more than might be imagined, to the law of necessity.—If he commands the glory of the present times, the events which preceded his coming, determine those of his reign;—an uninterrupted succession of causes and effects which compose the history of nations, and the destiny of their chiefs.—*That of Napoleon is to reign and to conquer; victory is his; war is the fate of his age.*"

"The whole of Europe was summoned, to co-operate in the work of destruction planned against France by England.—On all sides repulsed, on all sides threatened, and trembling for herself, she stops short at the sight of the conflagration kindled by the brands of England.—In fine, after ten years

in any other resource than temporizing meanness, or the chapter of accidents, would they not, now, in common prudence, strike the blow, rather than await the issue of the contest in Spain? Their former victor is too watchful and determined, to allow them to recruit or organize their means, in the interval. He would deal with Russia now, as he did with Austria at the commencement of the Spanish war;—a moment when the South and North were more formidable than they are at present, and when, probably, he was less prepared and less able under all points of view, to encounter the hostilities of both at the same time.

We have ourselves, we must confess, but little confidence in Spanish or Portuguese heroism, and are daily, from the information we collect, confirmed in our apprehensions, for the fate of the Peninsula.—Should the present desultory war in that quarter be even protracted for some years more, France will find resources to maintain the contest there; to beat down the crest of rebellion in any of the tributary provinces, and to cripple for ever the Austrian and Russian monarchies, should it accord with her plans to goad them on to a last effort of despair. That they will continue to “faint, and creep and prostrate themselves at the footstool of ambition and crime,” unless they are driven by the scowls and buffetings of their relentless Belial, to acknowledge the utter futility of every expedient for the prolongation, even of their nominal sovereignty, but a recourse to arms, we have little or no doubt, judging from what we now see, and from their recognition of Joseph as king of Spain. This act is in itself sufficient to show, that they have reached the lowest depths of humiliation;—that they are utter-

of conflict glorious for France, the *most extraordinary genius, whom nature in her magnificence ever formed, collects and unites in his own triumphant hands, the scattered fragments of the sceptre of Charlemagne.*”

“In such a struggle, of which human prudence cannot moderate the effects, the empires of the first order are shaken to their foundation, and small states disappear. We have seen the Gothic props of the European edifice fall by themselves.”

“If England had not rejected the counsels of moderation, what disastrous consequences might she not have averted? and to confine ourselves to the sphere of present deliberation, (*pour nous renfermer dans le cercle de la délibération présente*) she would not have forced France to enrich herself with the ports and arsenals of Holland; the Ems, the Weser, and the Elbe would not now flow under our dominion.”

“Where are the boundaries of what is still possible? (*Où sont encore les bornes du possible?*) It is for England to answer. Let her meditate upon the past, and she may learn what is to come.—France and Napoleon will not change.”

ly destitute of the elevation of spirit and strength of resolution without which, whatever might be the number of their troops, or the abundance of their treasure, they never could sustain the perils and chances of a long struggle with an enemy, who may well be styled, by an appropriate figure, the Briareus* of nations.

We may say now of France what was said of it in 1796, by Mr. Burke; that, "were it but half what it is in population, in compactness, in applicability of its force, situated as it is and being what it is, it would be too strong for the states of the continent, constituted as they are, and proceeding as they proceed." We may add with the same writer, that this new system of robbery and conquest cannot be rendered safe by any art;—that it must be destroyed, or that it will destroy the continent of Europe,—that to destroy such an enemy, the force opposed to it should be made to bear some analogy and resemblance to the force and spirit which that system exerts. In this view of things we see not how the fortunes of the continent are to be retrieved. If at all, it must be either by one of those unforeseen dispensations, which "the merciful but mysterious governor of the world, sometimes interposes to snatch nations from ruin;" or by the adoption there universally of the same military system as that of France, and the entire conversion both of governments and individuals, from a state of abject selfishness and despondency, to a condition of mind characterized by the same qualities of judgment, and by passions co-ordinate in vehemence and steadiness, although opposite in their nature, to those of their terrible enemy.—But in reasoning with respect to the march of human affairs, we are not intitled to calculate on "an unknown order of dispensations," or to trust to the hope of an anomaly in the usual providence of the Divinity.—And again, should the revolution to which we have alluded, in the military organization of the northern

* A monstrous giant, who is said by the poets to have waged war against Heaven.—We allude in this instance, to the picture drawn of him by Virgil in the tenth book of the *Æneid*, and which would form no bad personification of the despotism of France.

Centum cui braccia dicunt
Centenasque manus, quinquaginta oribus ignem,
Pectoribusque arsisse.—

Or, in the loose translation of the Abbé Delille,

Tel courroit Egéon, aux cent mains, aux cent bras,
Partout le suit la gloire et partout le trépas,
Tel se multipliant sous mille aspects farouches
Il vomissoit des feux de ses cinquante bouches,
Et sous ses pieds tonnans faisant trembler la terre, &c.

powers take place, it opens a prospect full of horrors for humanity, and of danger for the cause of civilization.

The continent of Europe will then, at length, have become a camp; a catastrophe which, is in itself of a nature to be fervently deprecated.—The destructive energies of France would we think, be found, in the contention for existence, and the shock of mutual despair,—to be more potent and elastic, than is now imagined, even by those who estimate them as we do; for it is certain that since the erection of the imperial throne, they never have been tried as at the commencement of her revolution. They would, although finally subdued, spread desolation and ruin on every side.—It is not in one or in ten campaigns that they could be exhausted, and much time would finally be required, before the wounds both moral and physical of the continent could be healed;—before the arts of civil life would flourish again, if indeed they could at all survive the universal diffusion and the protracted action of the military spirit.—It is *possible*, as has been contended, that, out of the chaos which would ensue, on the demolition in this way, of the French power, there might arise an order of things, more beautiful and durable, than any which has as yet prevailed in the world; that out of the total wreck of the present structure of civil society in that vast region, there might be formed another and much more perfect edifice, retaining whatever was excellent of the original Gothic, and combining at the same time, the proportions and embellishments of the Grecian and Roman models. Such is the vision which plays before the fancy of our author.

E'en now, before his favour'd eyes,
In gothic pride it seems to rise;
Yet Grecia's graceful orders join
Majestic, through the mixed design.*

For us, futurity has nothing, on the side of the *Continent* of Europe, we can contemplate with satisfaction.—There is however in that quarter, still enough to console and to animate, the friends of freedom and civilization.—England, although her

* Collins' Ode to Liberty.—Looking to the efforts which the British are now making for the preservation of the continent, we might add, if we permitted our imagination to dwell on this delightful phantasm, the concluding verses of the poet,

There on the walls the patriot's sight,
May ever hang with fresh delight,
And, 'grav'd with some prophetic rage,
Read Albion's fame through every age.

subsidies and her expeditions may be unavailing to rescue her neighbours from the fangs of the destroyer, is herself invulnerable to his attacks.—By maintaining the empire of the seas, which he can never wrest from her, she must always balance, and will outlive the French power, whatever may be its extent, or comparative duration on the Continent.—It is not the loss of a few thousand men, or the failure of her efforts in the Peninsula, or the privation of the commerce of the continent, that can shake the foundations of her greatness.—A wide and richer field is open to her trade in the markets of the rest of the globe;—her population is exuberant;—the patriotism of her inhabitants is enthusiastic;—her national character is capable of the sublimest efforts of steady fortitude, and masculine courage;—her domestic wealth is immense;—her naval strength such as it would take her enemy an age to equal, even were he suffered to labour unmolested for this purpose.*

While her fleets cover the channel, invasion in a formidable shape, is utterly impracticable: else it would long since have been attempted.—Should an hundred thousand men be landed

* Montesquieu in speaking of the naval rivalry of the Romans and Carthaginians makes the following remarks.—“The Carthaginians had more experience at sea, and understood manœuvring better than the Romans.—But it appears to me that this advantage was not as great then, as it would be in the present day.—The soldiers who fought on board of the fleets were then the great reliance of the belligerents, and sailors of but little importance.—The reverse is now the case.—In three months the Romans were able to build a fleet, and with it to beat their enemies in the first engagement.”

“At present a prince is scarcely able to form in the course of a whole life, a fleet fit to appear before a power that has already the empire of the seas. This is perhaps the only thing which money alone cannot effect.”—(Grandeur et Decadence.)

Naval strength, even of the inferior kind, which existed in antiquity, was highly prized. The estimation in which it was held, may be seen by the following extract from a speech of Pericles to the Athenians, recorded by Thucydides, and which applies still more forcibly to the English at this time.

“Of vast consequence, indeed, is the dominion of the sea, for, we are better qualified for land-service by the experience we have gained in that of the sea, than our enemies for service at sea, by their experience at land. To learn the naval skill they will find to be by no means an easy task. For even you, who have been in constant exercise ever since the Persian invasion, have not yet attained to a mastery in the science. How then shall men, brought up to pillage and strangers to the sea, whose practice further will be ever interrupted by us, through the continual annoyance which our larger number of shipping will give them, effect any point of *éclat*? Against small squadrons they might indeed be sometimes adventurous, emboldening their want of skill by multiplying their numbers. But when awed by superior force, they will of necessity desist; and so, by constant interruption, the growth of their skill will be checked. *The naval, like other sciences, is the effect of art. It cannot be learned by accident, nor usefully exercised at starts; or rather, there is nothing which so much requireth an uninterrupted application.*”

on her shores, she need not tremble. They would but serve to illustrate the invincible vigour of her free constitution, and the irresistible energy of her spirit.—With a wise system of policy and with confidence in her means, her security is perfect.—Bonaparte hopes more from her self-trust and her arrogance towards the nations of this hemisphere, than from the result of his own efforts for her destruction, or the insufficiency of her resources of defence.—We trust and believe, that she will soon learn, how far the arts of conciliation, with respect to ourselves, and to the inhabitants of South America, are necessary to her interests;—and that she will be, in every respect, true to her own unrivalled grandeur both of moral character and physical strength.

Under all circumstances, the United States have a plain path to pursue.—To them the despotism of France, stripped as it is of all its visors, can appear in no other light than as an implacable enemy, essentially and passionately hostile to their institutions and prosperity; to be softened or propitiated by no concessions, and to be then most dreaded, when most prodigal of its declarations of friendship.—Obvious considerations, which we have more than once pressed upon the public, founded on facts, on reason, and on analogy, conduct them irresistibly to this conclusion.—To suffer themselves neither to be influenced by mere theories respecting the speedy overthrow of the French power, nor to be panic-struck by the prospect of its further and permanent aggrandizement, is therefore a part of their true policy, as is also the determination to be prepared for the worst, by collecting and organizing without delay, the means of self-defence.—To be incessantly on the watch against the wiles and intrigues of France,—to contribute in no way to the augmentation of her strength, or to the promotion of her schemes,—to cultivate industriously in the minds of the whole American population, the most lively feelings of hate and jealousy towards this deadly foe of the human race,—feelings which are in themselves powerful safeguards,—to seek the friendship of the country which now shields them, and can, as long as it stands firm, continue to shield them, from the perils and calamities of French invasion,—these would appear to be sacred duties which they owe, not merely to themselves, with a view to self-preservation, but likewise, to the world at large; to the cause of freedom, of civilization, of virtue, and of knowledge, in which they are so deeply concerned, and which, under a moral code no less obligatory upon nations than upon individuals, they are bound to maintain, in preference to all other interests.

If England should perish in the awful contest in which she is engaged, Americans know well, that although they should have zealously and efficaciously co-operated in her ruin, they would not be the less obnoxious to the immediate and furious hostilities of the conqueror. They might escape subjugation by their energy, and local advantages;—they might be the Parthians to the new Romans;—but, driven back to the fastnesses of their mountains, or constantly involved in a sanguinary war on their coasts, they would probably soon resemble these barbarians in more respects than one.—England however is not destined to fall,—whatever may be the fate of the continent. By maintaining a good understanding with her, we may bid defiance to her antagonist. If our national independence cannot be said to depend necessarily upon her preservation, all besides that is estimable does.—On the other hand, her prosperity is in part bottomed on the friendship of this country, and of the other parts of the world whom she can protect from the “ravenging eagles” of France.

Every motive of expediency, as well as of honour and of duty, points to a reconciliation with England. Whether in alliance, or at war with the French Emperor, as respects the United States, trade with the continent is equally out of the question.—His intentions on this head, have been too unequivocally manifested, to leave a glimmering of hope, even to the most sanguine.—If he were disposed to tolerate it as the price of our enlistment under his banners, his condescension would be of little avail, while the British remained the masters of the seas.—They would banish our flag from the ocean.

Engage in hostilities with them, and you bid adieu to every shred and remnant of commerce:—you involve yourselves in a long and dismal train of domestic calamities.—You will soon preserve throughout the world, but one nominal ally, and that a power more inveterately hostile than the one whom you would be combating; more unsafe in its alliance, than the other in its enmity.—Grant that you accelerate or insure by your efforts, the downfall of the latter; you enjoy then as your sole reward, the consciousness of having contributed to the total eclipse of freedom in the other hemisphere, as well as to the certain disorganization of the whole frame of your own political society, if not to the immediate loss of your independence, and of your intellectual dignity.—You achieve no one object for which war can be justifiably or prudently undertaken.—If however England should triumph, notwithstanding your co-operation with her antagonist;—if the latter should be foiled,—humbled or overthrown, what will then be your situ-

ation? You will indeed have gained a chance of safety, arising from the very circumstance of the prostration of your ally;—you may, after innumerable losses and sufferings, breathe again, and hope to be reinstated in the career of prosperity;—only, however, because you have failed of your original and malignant purpose, and because your intended victim may not have the inclination, and must know it to be incompatible with her true interests, to consummate your ruin, or even to obstruct the progress of your national convalescence.—But the prospect of an existence, accompanied by the ignominy and mortification incident to one of this nature, is scarcely less dreadful, than that of being crushed in the gripe of French despotism.

Such is the language in which we would now address the people of the United States, on the supposition, that they can remain at peace with England, without a sacrifice of their national honour. We cannot admit or believe that she is disposed to extort this sacrifice, or to pursue a system of measures with regard to the United States, not exacted by her safety, or her own honour, and yet injurious to their rights. If this were the case, we would despair of her cause, of which justice may now emphatically be said to be the main pillar.—Let her dispositions, however, be tested in a manner *still untried on the part of our rulers*—manfully and ingenuously—in a spirit of liberality and sympathy adapted to the embarrassments of her situation, and to the mighty interests which both nations have at stake, and which, at this crisis, leave no room for the discussion of minor points.—If braggart, artificial politics, and casuistical, diplomatic homilies be discarded on one side,—false pretences and wanton vexations may be relinquished on the other.—An obstinate adherence of both parties to their present doctrines and measures, would seem, in our eyes, a sure indication, that the Almighty Providence had, in his wrath, resolved upon the speedy recurrence of such another era of Gothic darkness and universal slavery as that, during which, according to the faithful description of the poet,

“Oblivious ages passed: while earth, forsook
By her best genii, lay to Demons foul,
And unchained furies, an abandoned prey.”



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LETTER VII.

MY DEAR H—,

IT is full time that a correspondence to which, in the warmth of your partiality for the writer, you are pleased to attach some value, should be at length resumed, and that, by a few more bulky epistles concerning the men and things of Europe, I should redeem the pledge which you suppose me to have given. In complying with your wishes, I shall claim again the privilege I have heretofore used, of overlooking all attention to formal method, and of discussing in immediate succession topics of the most opposite nature. I consider myself as wholly independent on unities of any description, and intitled, in the manner of the prince of dramatists, to blend indiscriminately the comic with the tragic; to transport the scene of my observations from one country to another, in obedience alone to the spontaneous associations of memory. Whatever valid arguments may be urged against the toleration of this license on the stage, none can be devised why it should not be indulged, in compositions of the kind now submitted to your perusal.

In our conversations we have often had occasion to speak of the characters and structure of the French police. As this

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is a subject of much interest, and of still greater importance, I propose to take it first in the order of my narrative or essay, for my pages will probably admit of either of these titles. A minute history and exposition of this tremendous inquisition, is more than I now mean to undertake, although I believe that they might be, if properly executed, of more utility to mankind, than any other discussion whatever, serving to develop the foundations, and deformity of the French power. The task, however, would be incompatible with my present object, which is not to entangle you in deep and fatiguing speculations, nor to involve myself in inquiries of much extent, and difficulty, but to gratify your curiosity, and my own communicative humor, with as little embarrassment as possible to either of us. The genius of the French police is such, that the plan and scope of its operations are, in their details, almost beyond the reach of investigation. Still it is not impracticable to form, by means of what is manifest to every observer, some general, and at the same time very accurate notions on this head. I am not without the hope, that I shall one day be able to present the public, with a regular account of the most fearful and atrocious conspiracy, that has ever been projected, for the debasement and disunion of the human race; a conspiracy levelled against the domestic security and public liberties, not only of the country in which it is seated, but of every other portion of the civilized world.

In this light do I regard the system of the French police. I also view it as an instrument of domestic oppression, and of foreign conquest, little less potent, in the hands of the present government of France, than any other part, whether military or financial, of that portentous organization of tyranny and rapine. Concurrently with the Conscription, it forms the security of the imperial throne, and insures the success of the French arms. France, by the agency of her foreign police, is actively militant in the heart of every country.—She wages thus, without intermission, a sort of invisible and silent war, in some cases more fatal to national independence, and private morality, than would be the presence of her legions, or the uttermost havoc of her sword. At home, her political inquisition is even of more immediate importance, in the maintenance of the government, than the military force, and of more certain efficacy in paralyzing and enslaving the minds of her people, than her scheme of fiscal exaction, overwhelming as it is, or than any contrivance for the purpose, which the most ingenious and ferocious tyranny could by any possibility devise.

The mechanism of the French police is complex, elaborate and vast beyond all description. There is no branch of the despotic polity which has been more studiously contrived, or which is more artificially disposed. It is co-extensive with the scheme of universal influence and dominion so justly ascribed to the French government, and moves perpetually in concert with the military force, for the attainment of a common end. The merciless and profligate violence with which the latter is employed, does not surpass in degree, the perfidy, the corruption, and the barbarity in which the action of the first may properly be said to consist. Both presuppose from the manner in which they are wielded, and the purpose to which they are applied, the absence of all human sympathies and all moral rectitude; but the institution of the police is eminently founded upon the extreme enormity, the last refinements, the absolute plenitude, of guilt. Mr. Burke may have used too strong a figure, when he said in relation to the principle of the French revolution, that it was a spirit drawn from the alembic of hell. I doubt, however, if this be not a proper type of that fatal poison of which the *prefecture* of Paris is the laboratory, and which, through innumerable channels, and with the most diabolical art, is distributed thence, over this hemisphere as well as the other, to corrupt and distract both the domestic circles, and the public councils of every nation.

Espionage was but too familiar to the Ancients, and among the means of oppression, or self-defence habitually employed by their tyrants. We shudder with horror in reading the language of the historians, concerning the miseries and atrocities to which this practice led, under such monsters as Dyonisius and Tiberius.* When Gibbon remarks of the principal citizens of the Roman world in the reign of Constantine, "that

* Tacitus has the following passage concerning the prevalence of *Espionage* under Tiberius. "Among the calamities of that black period, the most trying grievance was the degenerate spirit with which the first men in the senate submitted to the drudgery of common informers, some without a blush in the face of day, and others with clandestine artifices. The contagion was epidemic: near relations, aliens in blood, friends and strangers, known and unknown, were all involved in one common danger. The fact recently committed, and the tale revived, were equally destructive. Words alone were sufficient, whether spoken in the forum, or amid the pleasures of the table. Informers struggled as it were in a race who should be the first to ruin his man; some to secure themselves; the greater part infected by the general corruption of the times." (Annal. lib. 6.) With very little variation, this picture might serve at this moment for France. When Fourcroy, who presided over the new organization of the public schools of that country,

the terrors of a malicious information which might select them as the accomplices, or even as the witnesses, perhaps, of an imaginary crime, perpetually hung over their heads," he exhibits a state of things in one respect strikingly analogous to that which now obtains in France. It would appear, likewise, that Rome, both before and after the loss of her liberty, employed agents in foreign countries to promote her ambitious aims, by secret intrigue and the arts of corruption.

But antiquity neither saw nor ever imagined a system like the present, essentially interwoven with the social as well as the political constitution of the country; organized upon so regular and so vast a scale, bringing every foreign nation fully within its operation, extending at home to the minutest details of common life; pursued, in all its ramifications, with unremitting activity, and the highest exertions both of sagacity and depravity. What prevailed in this respect in former times, was no more than the casual resort of tyranny and ambition; the congenial but transitory device of single despots suspicious of the fidelity, or thirsting for the blood, of their subjects. In France, *espionage* not only forms an integral part of the political constitution, but belongs essentially to the genius of the people: it would survive the abolishment of the conscription or of the imperial dominion; and is so deeply settled, so extensively and firmly systematised, that nothing would materially affect it short of a complete revolution, not merely in the spirit of the government, but in the national character, and habits.

Every domestic functionary of that country is *ex officio* an informer; all from the minister of police himself, down to the humblest tide-waiter, are in a state of mutual, vigilant, and for the most part malignant supervision: Every condition of private life to the lowest grade, is similarly circumstanced. Gibbon somewhere observes, that the obscure millions of a great empire, have much less to dread from the cruelty, than from the avarice of their masters; and that their humble hap-

proposed *Tacitus* to his Emperor as one of the classics to be introduced into them, the latter exclaimed with much warmth, "*Allez donc, c'est un calomniateur.*"—"Go to!—He is a libeller." No doubt the injury which the historian has done to the fair fame of Tiberius and Nero, must awaken sympathy in the bosom of this other "benefactor of the human race." Tacitus was mistaken when he supposed "that the ancient historian is safe from the severity of criticism;" but prophetic in the question which he almost immediately subjoins to this remark, "Will there not be at all times a succession of men, who from congenial manners and sympathy in vice, will think the fidelity of history a satire on themselves?" (*Annal: lib. 4.*)

piness is principally affected by the grievance of excessive taxes. This remark would not hold good in reference to the lower and more indigent classes of France, who, while they suffer the heaviest pressure of the grievance of which the historian speaks, are visited by their government with a still more cruel scourge in the terrors, the penalties, the mutual distrust, and the abject guilt in which they are involved by the police.

It is a part of the regular, official duty of every functionary of the French government abroad, by secret machinations, to facilitate the extension of the imperial power or influence, over the country in which he is placed. He is commissioned not only to ascertain and report, the means which already exist about him, for the accomplishment of this purpose;—to study and take advantage of dispositions originally favourable to the same end,—but actively to create facilities, and remove obstructions. He is the member of an organized and numerous corps, who labour in the same vocation; who, like their brethren in France, have, either in the foreign metropolis or elsewhere, a common centre or head, by which their task is prescribed, their movements are regulated, the fruits of their execrable industry collected, registered, and transmitted to Paris. All this is executed with the utmost regularity and method. The whole system is thoroughly digested, and in exact correspondence and symmetry with that which prevails in France.

The scheme of action for the foreign agents embraces—a minute inquiry into the physical, as well as moral resources of a country;—the intimidation of the weak; the seduction by bribes or promises of the needy and the profligate; the exasperation of the disaffected and the prejudiced;—the defamation of the enlightened and the good;—the excitation of domestic jealousy and distrust;—the assiduous propagation of every falsehood of what nature soever, that can serve to recommend or exalt the character of the French government, or to discredit and vilify that of the British. There is no part of the foreign territory where the functions of the French emissary can be exercised to advantage, that he is not to be found; there is no proceeding either public or private, no description of persons or occurrences susceptible of being made useful to his purpose, which does not fall under his scrutiny. The rulers of a nation particularly, are watched with the most indefatigable diligence; their characters thoroughly sifted; their counsels steadily pursued; their secrets penetrated and converted into

snare and pitfalls.* At the same time there is no character which may not conceal one of the civil propagandists of French despotism; no shape under which he may not lurk, whether that of a French royalist, an Irish or a Spanish patriot, a popular demagogue, an opera-dancer, or even a *soi-disant* British spy.

When I reflect on the genius and operation of the French police, and call to mind the zeal with which the present ruler of France has constantly laboured to corroborate and extend that system, I am forced to smile in bitterness, at the encomiums, which many well-meaning writers have passed upon him, for abolishing the Inquisition in Spain. The political tribunal which he proposed to introduce in its stead, would have soon caused the Spaniards to feel, that the bigots of the church were, when contrasted with the military legislators of the present day, but clumsy artificers of terror, and sluggish ministers of the demon of persecution. The domestic police of France as far surpasses the Spanish inquisition in cruelty and oppression, as her foreign police exceeds the celebrated plan of dominion imputed to the Jesuits, in extent and efficacy, in enmity and injury to the human race. Admitting all that has been said of the old bugbears of Europe to be just, they still are little more than mere phantoms, in comparison of the horrible engine of which I am speaking.

You may have observed, in reading the new criminal code of the French empire, that the penalty of being placed for a certain number of years under the immediate inspection of the higher police of the state, is attached to almost all cases of delinquency,

* We may appeal on this point to the open confessions of the French government. The following declaration in the shape of a note on a speech of Mr. Canning wherein this gentleman speaks of the secret correspondence of the British government with the continent,—is to be found in one of the *Moniteurs* of 1810.

"Mr. Canning has covered himself with ridicule by this assertion. If we could lay open the archives of the police, and make known the famous conspirators of whom Mr. Canning speaks, the world would see conspiracies and plots after the manner of Drake, to whom adventurers applied in order to filch his money, and learn from himself what he was about. The cunning gentry! they boast to having secret intelligence with France, and they are nevertheless surrounded by our spies. We look into their cabinet, and were we challenged to the trial, we could bring to light the official correspondence of the sub-ministers of England and their agents, with those whom they call conspirators, and thus render them the laughing stock of all Europe. We should add here, in order to calm the apprehensions of the inhabitants of the territory which Mr. Canning would subject to the severity of the laws, if what he says were true,—that the government has not had cause to complain of a single Frenchman. Communications with England have taken place, but they were carried on by subaltern agents of our police, under the express authority of the French administration. Such are the spies of Mr. Canning."

and that the effect of this penalty is to give to the government, the right of requiring from the offender, a sufficient security for his good behaviour, and on failure of his giving such security, to place him at its disposal, to be confined to any particular spot in the empire, it may think proper to select for his residence. Reflect now on the extent of jurisdiction and plenitude of power, which by this one provision, are allotted to the police! By regulations of a similar tendency, all the operations of industry, all the products and efforts of intellect, all the relations, interests, and movements of society, all orders and descriptions of men, are brought within the sphere of the same hampering authority, and subjected to an inspection which no ingenuity can baffle, and which nothing, however minute, can possibly escape.* Thus it is that the literature, the commerce, the manufactures of the country, are entangled inextricably in the grasp of the government, to be moulded instantaneously into any shape, and contracted into any dimensions, that may be conformable to its views; or to be crushed and extinguished either in the whole or in part, whenever found obstructive of its purposes.

However useful may be the vigilance of the domestic police of France, in the prevention and detection of offences against the law, it is of a tendency eminently pernicious to public virtue and private morals. I need not dwell on the accuracy of this position. No one can fail to understand at once, the effects of a system, which binds the mind of every individual of the empire in the most oppressive of fetters; which leaves the imagination but one field of exercise,—the adulation of despotic power;—which extinguishes every sentiment of patriotism that springs from a nobler origin than national vanity; which converts one half of the community into base assassins of the peace of the other; which dissolves all social ties but those of sordid interest and idle amusement; which banishes mutual confidence even from the domestic circle, and makes every bosom the seat of perpetual suspicion and dread. Hence the pestiferous selfishness, and the audacious spirit of falsehood which have become almost the national characteristic, and which seem to have infected to a melancholy degree, the other countries of the European continent. These abominable vices the most fatal of all others to the cause of freedom, to the dignity and excellence of our nature,

* For the truth of what is here stated, we refer the reader to the several "Codes" promulgated since the accession of Bonaparte;—particularly to the *Code de Police Correctionnelle*, and to the files of the *Moniteur*.

to social and domestic happiness, as they diffuse themselves more largely among the neighbours and allies of France, serve efficaciously to confirm the dominion she has already established, and to remove the obstacles to a further extension of her power. They also co-operate with the sword of their parent,—for such may she be called,—by stifling, wherever they predominate, those sentiments and reasonings from which a successful resistance to her attempts, is principally to be expected.

We are sometimes told in our newspapers, that much freedom of speech is indulged throughout France, concerning the character of her government, and the sufferings of the people. This statement is certainly erroneous, if I may rely on my own observation, and the uniform tenor of the intelligence which I receive on this subject, from persons who have recently enjoyed the best opportunities, of knowing the real condition of things. In the Provinces, murmurs may now and then be publicly heard! disaffection and resentment against the military despotism, may be loosely or accidentally expressed; but these sallies of passion,—for they are seldom any thing more,—do not often pass with impunity. When they do, it is chiefly because they are considered as harmless, and because, in such cases, the administration expects to reap some particular advantage, from assuming the mask of lenity.

In general, throughout all parts of the empire, men are too deeply impressed with the dangers of their situation arising from the activity of the police, and the venality of those about them, to suffer themselves, under any circumstances, to be betrayed into sharp or direct censures either upon the management of affairs, or the character of a public functionary. There is no individual who values his life or his personal liberty, that does not practice the most guarded caution in this respect, and industriously suppress his feelings, however grievously they may be outraged. Even a jest, at the expense of the government, or any of its agents or measures, is, wherever uttered, regarded as a gross imprudence. The habit of inveighing against them,—were time to contract it, ever given by the police,—would be considered as a symptom of desperation, or a trick of *espionage*. If proof were wanting of the miserable prostration of the public spirit under the terrors of this institution, it is to be found in the complexion of the gazettes and publications of every kind, without any exception, which issue from the French press. In not one of these, does there ever appear a single phrase of dissatisfaction at the unparalleled crimes of the imperial cabinet, or the overwhelming wretch-

edness of the nation. On the contrary, all chaunt on these subjects, a chorus of turgid panegyric and extravagant exultation. The same fears actuate those who write and those who talk, and prompt them to employ habitually, the most *outré* hyperboles of admiration and delight, as a safeguard against suspicion, and a more impenetrable disguise for their real sentiments.

The depressing influence of the police, is no where so strikingly displayed, as in the metropolis. There it operates with the potency of a charm, and effects a complete transformation in the Gallic character. As to what concerns the affairs of state, or the public authorities, the Parisian is the most plodding and circumspect of dissemblers. With regard to these topics, the impetuous vivacity, the headlong *étourderie*, the petulant boldness which heretofore entered into the genius of the nation, and which it was thought no force could subdue, are now not only paralyzed, but supplanted by the very opposite traits, so profoundly and constantly, is the imagination of every individual, impressed with the idea of the Temple, and the cells of the Prefecture. When the constitution and proceedings of the government become the theme of discourse in any situation, panegyric alone is hazarded, and this with some degree of uneasy caution by the speaker, lest his loyalty should appear to be studied or overstrained. In all public addresses and harangues, adulation is, indeed, poured forth without reserve or measure, because it is well known that the more gross and copious the incense thus offered, the more is the government gratified, and aided in its particular views.

There is one part of the domestic bondage of these "conquerors of the world," which seemed to me of a nature eminently galling, and worthy of commiseration, especially in the case of a people so fond of *médiance*, as were the French before their revolution. That the Emperor and his august family, even in its most remote collateral branches, should be sacred from slander, or sarcasm, or personal reproach however just, is but natural, and perhaps necessary, and might be esteemed no great hardship by the most splenetic malcontent, or mischievous wit of the empire. This immunity, however, extends to all the principal dignitaries, whether military or civil; to the governmental officers, and agents, and favourites of almost every grade. The poor Parisian particularly, stands as much in subjection and awe of a minister, a senator, a counsellor of state, a poet laureat, or even a subaltern of the police, as of the sovereign himself. He dares as little arraign

their vices or foibles, as question the immaculate purity of the purple, or the efficacy of the unction administered at Rheims, in *royalizing* the whole blood of the Bonapartes. In the metropolis and throughout the provinces, there are many thousand *majesties*, whom it is alike treasonable to censure, and dangerous to offend. Thus is established a poly-despotism, if I may be allowed the term, of innumerable heads, each of which is a distinct scourge; a fruitful source of humiliation and injury. This plurality of tyrants serves in another way, to heighten the general servility and wretchedness, inasmuch as they are all, throughout the multifarious gradations of rank of which the subordination of office consists, mutually harassed by suspicions and fears, similar to those which they themselves inspire into the people at large.

For the cruel thralldom of which I have been speaking, the Parisians do not even enjoy a poor indemnity like that of the Romans, under the emperors, in their Saturnalia; or of their degenerate successors at Rome, in their carnival; or even of the Turks in their periodical emancipation. There is no number of days or of hours, as in these cases, annually set apart, on which the subjects of the "Son of Victory" are unmuzzled, and suffered to discharge with impunity the shafts of their wit or their malice, at the odious band of *employés*. The Parisian carnival, of which I shall say more hereafter, brings with it no license of speech. It resembles the festivals I have just mentioned, only in the childish absurdity of the public antics, and the increased activity of licentious intrigue.

A trifling incident of which I was a witness, may serve to illustrate the difference between them. At the public masked ball given at the opera house in Paris, on the night of Shrove Tuesday—the last and the most tumultuous of the carnival, a person under the disguise of a drunkard, approached a "*Domino*," who was known to be Real, then a principal officer in the police department, and accosted him with some jocular, but at the same time rather pungent allusions, to the nature of his functions, and the versatility of his principles. Real soon began to show considerable uneasiness. His tormentor seemed, however, disposed to continue the attack, but was abruptly silenced by the interference of two gentlemen—*Mouchards** in waiting, who conducted him without ceremony to the door of the opera, and thence, in all probability, to a place of confinement. There were, perhaps at this time, about five thousand persons in the house, of whom the agents of the

* Spies of the Police.

police must have formed no small proportion. During the whole period of the carnival these mirth-destroying gentry crowd every place of public resort, watch and control every ebullition of gaiety, and confine even the movements of the populace, within the precise limits exacted, by the extreme jealousy, and arbitrary spirit with which the government is animated.

In every country there must be some vent or some antidote provided, for the malignant humors of the public mind. If means do not exist by which these may be either thrown off, or suppressed, the body politic will undergo the same fate as that, which inevitably awaits our physical frame, under similar circumstances. The licentious humours of the French public—of which the fund arising from the common perversity of our nature, is greatly augmented, and the virulence inflamed, by the peculiar and unequalled miseries of their condition,—are objects of unceasing solicitude and indefatigable care, for the government, whose existence they threaten at every moment. Those of the populace are counteracted by the efficacy of fear, a sentiment which every device that the most profligate subtlety, and the most remorseless cruelty, can suggest, is unremittingly employed to diffuse and to strengthen;—by innumerable precautionary regulations of police, which fetter, almost every thought and action, even of the meanest individuals; by shows, festivals, public exhibitions, and military achievements which serve to fascinate their imaginations, and to regale the national vanity.

The same expedients are equally employed, and have an effect scarcely less powerful, with the higher classes, and what may be denominated the intellectual portion of the community, in contradistinction to the body of labourers, mechanics, and tradesmen. But in the case of the former, additional remedies are applied, such as offices, and honours. The corrosive and splenetic humors of this class, are, moreover, suffered to discharge themselves through particular channels, which divert them from the government, and at the same time occasionally promote its views, with respect to the prostration of obnoxious individuals, and the discredit of invidious principles. In reading the newspapers and the literary journals of France, you will be struck with the paucity, and, for the most part, the extreme frivolity of the topics on which, is thus spent, the spirit of a nation, of all others, by nature, the most censorious, inquisitive, disputatious, and irritable. The republican principles and excesses of the revolution, the pretensions, and crimes of England, the literary opinions and defects of writers not

distinguished by the patronage, or labouring under the displeasure, of the government, the verbal merits of a new tragedy, a prize-poem, or an inaugural address to the Institute, are the themes upon which it is permitted to the subjects of the great Emperor, to exhaust all their stores of invective and ridicule, and all their powers of research and criticism. It is almost incredible too, with what acrimony and passion, with what mutual *acharnement* and personal vindictiveness, with what zeal and ostentation, even the most trivial of these points are discussed. At the same time it is equally curious and lamentable to observe, the total silence which prevails in regard to present, and truly important national interests; and how much laborious and pusillanimous caution is practised, to avoid whatever could awaken the jealousy of the government. From the uniform tenor of the productions of the French press, it is literally to be inferred, that not only is the Imperial system endowed with absolute perfection, but that the same perfection attaches to all who have even the most inconsiderable share in administering it; that whoever enjoys the imperial favour, can have no demerit of any description, and like the gracious dispenser himself, should be considered as both infallible and impeccable. Such is the wonderful effect of the *police* on public opinion.

I know not any trait of French slavery, which more strongly prompted me to exult in the political constitution, of my own country, than the one of which I have been speaking. You need not be informed, that I detest most cordially the scurrilous personal abuse with which many of our American newspapers are filled, and view it, in all cases, as an unerring indication of the utmost vulgarity of taste and malevolence of spirit;—that I regard with equal abhorrence, the scandalous libels which are poured forth against the public men and measures of England, by the factious demagogues and desperate adventurers of that country. Yet this very licentiousness, odious and pernicious as it is, would seem something worthy of admiration and desire, compared with the opposite extreme as it prevails in France. When I recollect what I witnessed there with respect to this point, and particularly when I advert to the unvarying strain of fulsome adulation which the French nation is universally condemned to intonate as it were, towards the most contemptible, or the most criminal of mankind, I scarcely know, in what terms of satisfaction and approval, to speak of the privileges secured to us, by our happy form of government.

No free constitution is likely to be well administered, or

to endure long, unless the citizens possess and exercise the right of arraigning publicly the vices, and freely discussing, the capacity, of those, who are candidates for the national favour, or invested with national trusts. The practice of public and formal accusation by one individual against another, which prevailed in the commonwealths of antiquity, is in some sort the original of our modern liberty of the press. Machiavel pronounces it to have been of the utmost importance, to the security and prolongation, of those commonwealths, accompanied as it was, by the strictest regulations, for the suppression and punishment of calumny, the toleration of which, he at the same time declares, to be no less pernicious, than the liberty of just accusation is profitable, to a state.* There is a passage concerning the general topic of the present paragraph, in the Discourses of this great master of the science of government, which I have always thought particularly remarkable, if we take into consideration the time at which he wrote. "Because it may happen," he observes, "that the people may be deceived by report or opinion, or perhaps by the actions of a man, believing them to be more meritorious than they are; in order that they may not want monitors, those who have laid the right foundations for a commonwealth, have provided, that when the great and supreme offices of state are to be filled, if the people seem disposed to the election of a person who is known to be incapable or improper, it shall be lawful for any citizen, nay even honourable to him, to publish his defects, that thereby his countrymen understanding him better, may make a better choice."†

A stranger on entering France, and especially on arriving at the capital, should imprint deeply in his memory, the Italian aphorism, *il viso sciolto, i pensieri stretti*, or the lesson contained in the line of Horace,

Quid, de quoque viro, et cui dicas, sæpe videto.

He is constantly surrounded by spies who note down almost every word that he utters, who trace him in all his pleasures, who enregister all his acquaintance, and even the books which he may chance to collect about him, either for his amusement, or his instruction. Through the medium of his *valet de chambre*, the eyes of the police are upon him in his most private hours. The same vexation pursues indeed every individual, whether stranger or resident, who keeps a native servant, as this class of domestics are suffered to follow their occupation, in the

* Discorsi, lib. 1. cap. vii.

† Id. lib. 3. cap. 32.

metropolis and large cities of the empire, only upon condition of performing the tasks prescribed by the police. They are all, without exception, enrolled and licensed at the Prefecture.

A stranger, as soon as he comes within the limits of the empire, is reported, by various channels, to the head-quarters of Espionage at Paris, and there accurately known antecedent to his arrival. The extent of the system may be illustrated by a genuine anecdote on this head, which is related of one of our countrymen. The person to whom I allude, a thoughtless youth of twenty-two, reached the French metropolis, which he then visited for the first time, at about five o'clock in the afternoon, and was conducted by his postilion to a principal hotel, with the name and position of which, he himself was utterly unacquainted. Having learned from a newspaper which he had read on the road, that a piece was to be performed that evening at the grand opera, and being impatient to witness this spectacle, he merely gave himself time to change his dress, before he sallied forth under the guidance of the porter of the hotel, without leaving his name with the master, or making any inquiry concerning the mansion at which he had alighted. He arrived at the opera in good time, and procured a seat in the pit; but such was his eagerness, on the subject of the miraculous exhibition, of which he had heard so much, that he even neglected to instruct his guide to remain in waiting, in order to conduct him back. The issue will be readily foreseen. At the end of the representation, he found himself in the centre of Paris, at a late hour of the night, an utter stranger to every thing about him, and without any clue whatever to his lodgings, where, in addition, he had left the whole of his baggage. He wandered for some time about the rue Richelieu, and the neighbouring streets, and at length in despair, entered a large hotel, which proved to be a public one. He called for the master, and made out, with the smattering of French which he possessed, to explain to him his situation. The latter could suggest no better expedient for his relief, than that he should remain where he was that night, and the next day apply to the records of the police, for information concerning his own *address*. Our traveller acquiesced, and in the morning at an early hour, proceeded accordingly, with his new host, to the Prefecture, not a little abashed at his ridiculous situation. On mentioning his name and errand to the director of the proper "*bureau*," he immediately obtained the particulars he wanted, and was good-naturedly advised to be more cautious on another occasion. He was at the same time convinced, by the minute description which was shown to him of his

person, that had he even forgotten his name, the police officer would have had no greater difficulty in finding it, than in indicating his lodgings.

On the entrance of a stranger into any part of France, the passport furnished by his own government is taken from him, and transmitted to Paris. Within three days after his arrival in that metropolis, he is to appear at the Prefecture of police, in order to withdraw this passport, and to procure a permit either of residence or departure, according to his intentions. As he is liable to be interrogated at any time, or in any situation, by the public authorities, with respect to his personal concerns, he does well to have constantly about him, the *carte de sûreté*, or "protection," which he obtains from the police. For the renewal of this, he is compelled to make frequent visits to the Prefecture, as it is generally given but for a short term. When he is about to leave the capital, he must provide himself with passports both from the department of police, and that of foreign affairs. In no case is any thing of the kind given to him, in less than twenty-four hours after his application; within which time, a more particular scrutiny is instituted into his character and views. The inhabitants of every part of the empire, not domiciliated in Paris, are subject to nearly the same regulations. The Parisians themselves are all enregistered on the lists of the police, and entirely at its mercy. There is neither appeal, nor hope of redemption, from any extraneous aid, where its authority is interposed. No Frenchman can travel in the interior without a passport; nor even journey from one department to another. The youth particularly, on account of the conscription laws, must be guarded by voluminous certificates.

All housekeepers of the metropolis who receive under their roof, strangers of any description, whether foreigners or Frenchmen, relations, friends, or common lodgers, are enjoined to give in their names, and passports within twenty-four hours, to the Commissary of police for their particular district, the metropolis being divided into a number of police-districts, each of which has its commissary, its brigade of peace-officers, &c., who make a daily and regular report of what they have "done, seen and heard," both verbally and in writing. Persons arrested in consequence of not being able to produce a passport or permit of residence, or from any other cause, are conducted to what is called the *dépot* of the Prefecture,—a vast suite of cells for provisional imprisonment. They are there interrogated, and either dismissed, or detained, as the case may seem to require. By an order from the police, any

private individual whatever, may be dragged from his bed, at any hour of the night, and buried beyond the reach of succour or inquiry, in these gloomy recesses of despotism. At the instigation of a foreign minister, the same power is ready to take any one of his countrymen into like custody, to hold him in imprisonment for the length of time required, or to banish him from the empire. The foreign minister, however, is utterly unable to afford protection or to administer relief, in cases where the police acts from its own proper motion.

During my residence in Paris, I was twice particularly summoned before this tribunal, and subjected to interrogatories. On the second occasion,—after my return from England to France,—the order was handed to me by a soldier, while I was sitting at breakfast. It required my immediate presence at the Prefecture, *pour affaire pressée*.—I accompanied the bearer thither without delay, and after waiting for some time, in the dark passages, leading to the lower apartments of the edifice, was at length admitted into one of them, where I found a principal officer of the establishment,—un commissaire-interrogateur—prepared to examine me. No person can be introduced into a "*bureau*" upon any consideration whatever, but by virtue of a special order to that effect, from the *superintendant*.

The ostensible motive of the summons in my case, was the circumstance of my having neglected to demand a permit of residence, within the period prescribed to travellers. I was, however, questioned on matters of a more general nature, at first, with an air of some severity. My inquisitor at length said something incidentally, concerning the literature of England. This led to an easy conversation between us on the subject. His brow was soon smoothed, and I was dismissed with some civil phrases, and an injunction to fulfil immediately the duty I had omitted. Thus was I, to use a French phrase, *quitte pour la peur*, for I must confess, that I was not a little uneasy at the first steps of the process, and by no means under the expectation of being so speedily liberated.

If the interior of the *Palais royal* deeply affected my imagination, that of the Prefecture of police exerted over it an influence still more harrowing. I never entered the latter edifice without experiencing *un serrement de cœur*, an immediate contraction, and for some time after a heavy oppression, of the heart, arising not from apprehension,—for which there could be no cause at the time when I went thither, in order to obtain a renewal of my permit of residence,—but from the disgust with which the place inspired me, and the train of misanthropic reflections to which it gave rise. I left it uni-

formly with feelings and with looks, such as are ascribed by the Greek poets, to those who emerged from the cave of Trophonius. The apartment wherein passports, protections, &c. are applied for, registered and distributed, is of vast extent. The desks of the numerous functionaries who are constantly employed in it, and among whom the labour of the office is most minutely divided, are placed in regular order along the walls. These are lined above with shelves, and drawers tick-etted in conformity to the nature of the business transacted at the desk. Upon some of them, for instance, you read such labels as the following, "*Surveillance des etrangers*;"—"surveillance des suspects,"—"surveillance des emigrés rentrés," "*rapports des officiers de paix*," &c.* These mementos of the work of despotism, hurrying the fancy at once into a labyrinth of horrors, crowding it with images of pity and dismay—the demoniacal physiognomy of the ministers of perfidy and cruelty, whom you are forced to accost in succession,—the various and revolting aspect of the crowd in waiting to receive in rotation an illusory safeguard, but a real badge of slavery,—uniformly proved too much for the strength of my feelings, as they must, for those of every man imbued with the generous sympathies, or jealous of the dignity of our nature. They put the mind upon its knees, according to the emphatical expression of the Italian poet;—they make us ashamed of our moral temperament, and discontented with our being;—they almost reconcile us to the theory of Rousseau, concerning the superiority of the savage over the civilized state. With me they were more persuasive than all the eloquent pictures of this gloomy sophist, or the ingenious reasonings of Mr. Burke, in his pretended vindication of Natural Society. It is here,—at the Prefecture of police,—that an apology might be found, if any were necessary, for an enthusiastic admiration of, or at least, a marked partiality towards England, whose domestic condition presents so cheering, and elevating a contrast. There is no American with an honest heart, or any dignity of sentiment, who has had a personal opportunity of studying the relations of the people of England in this respect, with each other and with their government, and comparing them with the ferocious and treacherous war constantly waged, both politically and socially, in France, that must not cling with fond enthusiasm and heartfelt pride, to the superior character, and the righteous cause of the land of his progenitors.

* Supervision of strangers; supervision of suspected persons; supervision of emigrants, &c.

The Prefecture of the police at Paris is separated into eight principal divisions, besides the departments of the secretary-general, of the treasurer, of the recorder, &c. Each of these divisions has its superintendant, and is again distinguished into a number of *bureaux* or offices, which have also their respective heads, or *chefs* as they are intitled. The functions of all the several branches of the establishment are most accurately defined and limited, and the forms of proceeding so distinctly prescribed and so well understood, that there can be no clashing, embarrassment, or mistake. The secretary-general, for instance, has within his province, "the opening of the despatches, the general correspondence, the secret expenses, the general statement of the operations and events of each day, as they affect the public safety; the translation of pieces written in foreign languages, the regulation of miscellaneous matters, the *bulletins* of the gendarmerie, the recording of the informations lodged," &c. There is attached to his department what is called the *police du personnel*, or personal police, whose chief is charged with "a general supervision," and with "the secret affairs." This bureau is constantly open night and day.

The first grand division of the Prefecture embraces within its jurisdiction, "the affairs of urgency, orders for arrests, the emigrants, seditious meetings, conscripts, deserters, the press, public amusements and exhibitions of every description, private societies and convivial meetings, gaming tables, houses of debauch, public women," &c. This division is always open, and has constantly engaged in its separate service, twenty-four officers of peace, as they are intitled, each of whom is at the head of a brigade of agents. No individual other than a soldier, within the department of the Seine, can keep or employ fire arms, without a written authority from this division. The permits to this effect are subject to the stamp duties, and are never delivered but to persons, who can produce a certificate of character from the commissary of police of the arrondissement to which they belong, as well as two witnesses to vouch for their morality.

My limits will not allow me to specify the attributes of all the branches of the Prefecture of Paris. From what I have just cited in relation to the first division, you will be enabled to form some judgment of the rest. The offices of the other cities and towns of the empire are organized upon the same plan, and maintain an uninterrupted correspondence with that of the metropolis. They are but the wheels of the great machine. The *gendarmerie* in every part of the country, is always at their disposition. The guard, as it is denominated, of the

city of Paris, consisting of 2154 infantry and 150 horsemen, is likewise subject to the orders of the Prefecture. Each day an analysis is made for the use of the Prefect, of all the despatches, bulletins, &c. received at the establishment. He holds a weekly council, composed of the secretary-general, and of the heads of the several divisions, who lay before him the transactions of the interval, and deliberate concerning the objects of the institution.

Besides the *Prefecture* of police for the department of the Seine, of which we have hitherto been speaking, there is a general Ministry for the whole empire. "The higher police of the state," which watches in a more elevated sphere over the concerns of all parts of the imperial dominions, and shares in the management of the foreign relations of intrigue and corruption, is vested in a Minister, and three counsellors of state, who hold daily, an official conference with him, and receive his instructions;—in a secretary-general, and in six commissary-generals stationed in different quarters of the empire. As to what regards the jurisdiction of the higher police, the empire is divided into three great sections, each of which is specially superintended by one of the counsellors above mentioned. The minister enjoys the right of nominating the commissary-generals to his imperial majesty, and has them under his immediate direction.

The office, or the "department" as it is styled, of the minister of the general police, is, in the manner of the *Prefecture*, distributed into "a *secretariat*," a registry, and five leading divisions. To the *secretariat* belongs "the reception, the recording, and transmission of the '*despatches*,' the reports and correspondence relative to the passports of strangers seeking to enter France; matters of a general and urgent nature," &c. A particular "bureau" for the management of the theatre, the press, and of bookselling, directed by four inquisitors, is connected with the *secretariat*. To the "first division" are appropriated the matters of which his excellency the Minister, reserves to himself the exclusive cognisance. To the second, those which relate to the general security of the state; the discovery of machinations tending to disturb it; the interior police of the state prisons, &c.

At the period of my residence in Paris, Fouché, so notorious in the revolutionary annals, was minister of the general police, and Dubois a man of more moderate, and respectable character, Prefect of police for the department of the Seine. Between these two, considerable jealousy was said to exist, the latter being the declared favourite of the Emperor, and al-

though inferior to the other in power and dignity, in some respects absolute within his particular jurisdiction. There was, however, another authority of the same kind, to a certain extent, independent of either,—the private police of Bonaparte, consisting of some few of his most confidential servants, who communicated directly with him on the occurrences of the day, and were instructed to look narrowly into the movements of the Minister and the Prefect. This species of counter-police suited the prying and suspicious temper of the common tyrant, and was thought to be a necessary policy, to protect him from hostile machinations on any side. It was important to balance and keep in check establishments, scarcely less formidable to the safety of the sovereign, if turned against him, than useful to his power, while devoted to his service. The three inquisitions which I have mentioned, were so circumstanced, that each must have constantly felt as applied to itself, the truth of the well known line,—originally written, however, of a very different species of dominion,—

Omne sub regno graviore regnum.

You will better understand the spirit of this system of counteraction, from an incident which I shall proceed to relate, and for the authenticity of which I can fully vouch. Alphonse Beauchamp, at the time a clerk in the department of the general police, and a person of great literary ability, undertook to write a history of the war of La Vendée. After visiting every part of that province in search of materials, he applied to Fouché, for permission to inspect the archives of the police, in relation to his subject. This permission was readily granted by the minister, who knowing Beauchamp to have been an ardent republican during the revolution, concluded that he would not fail to exhibit, in the most favourable point of view, the character of the Convention, as far as it is affected by the horrible conflict, which he had undertaken to relate. I should remark to you, by the way, that Fouché, from the part which he took in the proceedings of that body, was understood to be anxious for its exculpation, and that Beauchamp depended, for his livelihood, upon the profits of his employment in the police office.

The inference which the minister drew from these circumstances, was not justified by the event. Beauchamp more tenacious of his reputation as an historian, than studious of the interests of his family, chose to write an impartial narrative, in a strain by no means fitted to please a "Conventionalist."

Fouché and the leading officers of his department, who entertained the same views, were, however, so sure of the author, that they did not think it necessary, to inquire particularly into the tenor of his book, before it was published. Lacroix, junr. one of the board of censors, to whom the manuscript was submitted, and who was himself an enemy of the Convention, suffered it to pass without alteration of any kind. Public attention was strongly attracted to the work, as soon as it appeared in print, and the Minister of police was not long without obtaining information, of the strain in which it was written. His disappointment and rage were excessive, as well as those of Real,* whom I have mentioned in a preceding page, and who, having been a distinguished member of the jacobin club, was also interested in the reputation of the Convention. As Beauchamp belonged to a *bureau* under the immediate superintendence of the latter, he was first summoned before him, and commanded to remodel his book, or prepare to lose his station. The historian steadily refused either to retract his opinions, or to soften his colouring, and, after he had had an interview with the minister himself, wherein the same orders were given, and the same obstinacy displayed, was stripped of his place, and menaced with further vengeance.

Some short time after, a virulent *critique* on the history, appeared in the *Publiciste*, a paper at the devotion of the general police. Beauchamp, although he knew it to have been written at the instigation of Real and Fouché, framed, nevertheless, a sharp reply, for which he demanded a place in the same gazette. This request was refused of course, the editor of the *Publiciste*, stating very candidly the reason why it was impossible for him to assent. Beauchamp then took his defence to Fiévée, the editor of the *Journal de L'Empire*, who inserted it without hesitation in his paper. You should now be informed, in explanation of the boldness of the historian, and of the conduct of Fiévée, that the latter was particularly in the interest of Dubois, and one of the private police of Bonaparte, who had been heard to express his decided satisfaction at the purport of Beauchamp's work, and who was known to favour

* Real was then one of the counsellors of state, attached to the ministry of the general police. He had been the first public accuser, or attorney general, of the famous criminal court, of the 10th of August, 1792, and indefatigably active in urging the preparations of the republicans for the war of La Vendée. Although Fouché has been disgraced, Real has preserved his influence, and even triumphed over Dubois, who has experienced the same fate as Fouché. The latter, in anticipation of this event, is said to have uttered the following *bon mot*: "Real doit avoir un estomac d'autruche; il mangera Dubois."

whatever tended to discredit the memory of the Convention. Both Dubois and Fiévée rejoiced in the opportunity of mortifying Fouché and his colleagues, where it could be done with impunity. Beauchamp suffered no further molestation, and has since been indebted for his subsistence to the exercise of his pen. His history passed through several editions, in a short period of time.

Fouché, afterwards created duke of Otranto, was retained no longer in his ministry, than the interests of the throne imperiously required. The part which he took in the revolution, the republican sentiments which he was said still to cherish, the firmness of his temper, his thorough knowledge of the weaknesses of the new government, and the fearful extent of his power, derived from his extraordinary aptitude itself for the station he had so long filled, all contributed to render him particularly obnoxious to Bonaparte, and to prepare the disgrace and exile to which he was at last condemned. These were in the shape of a reward for his services, by his mission to Rome as governor of that capital. You may recollect the hypocritical letter addressed to him on the occasion, by his Imperial "benefactor," and published in the *Moniteur* together with the reply of "the duke of Otranto." Napoleon, after expressing the sense which he entertains of his services, beseeches God to take him into his holy keeping, and the cidevant Abbé in his answer, does not fail to testify the bitter regret he experiences, in losing at once both "the felicity and the wisdom which he had daily imbibed" from the discourse of his Majesty. Fouché was recalled before he reached his destination, and now resides as a private individual, at a chateau some leagues distant from Paris. Were he disposed to serve Bonaparte with fidelity, he would, of all agents, be the fittest to counteract the spirit of intrigue which characterizes the Italians, and from which, if I am rightly informed concerning their dispositions towards their new masters, the French government has every thing to apprehend.

The comparative tranquillity with which the Imperial government was established, was due in great part to the exertions of Fouché. Bonaparte owes him the most signal obligations; obligations more important and more numerous indeed, than those conferred by any other of his civil auxiliaries in the establishment of his throne. With Fouché's history, you are, I suppose, well acquainted. His character is one of some elevation, and at the same time, of great suppleness. He is distinguished by what his countrymen call, *un esprit liant*,—by an easy elocution, by perfect self-command, and by the most acute

discernment. No man is so profoundly versed in the secret history of the revolution, and so well acquainted with the characters of his day. Were I authorized to prescribe to him a mode of expiation, for the large share which he took in that bloody tragedy, it would be the publication of a body of memoirs and reflections, such as his opportunities would enable him to furnish. Fouché, although of a reserved, is by no means of a gloomy temper. There is nothing about him of that rigidity, or rather ferocity, which one would naturally expect to find, in the manners of a butcher of the Jacobin school, and the head of a system of cruelty and iniquity, to which nothing human can be even remotely compared. Like many others of his revolutionary coadjutors, who at one time seemed to riot in blood and devastation, he wears a gentle, serene aspect, and can practice the most winning urbanity.

I have been struck with a similar trait in several of his countrymen, eminent for the phrenzy of their cannibalism, at certain periods of the revolution. This entire contrariety between the external and the internal man,—this incomprehensible association of the manners of the courtier, with the dispositions of a fiend, is perhaps, peculiar to his nation, and not, I must confess, of a tendency to diminish the disgust with which her late history has inspired me. One of the mildest men I have ever encountered was *Cochon*; one of the most pleasant *Santhonax*! Would not this serve to prove,—if the French did not possess a nature, as they have shown by their revolution, altogether anomalous, that the poet was no infallible moralist,—who said,

Not sharp revenge, nor hell itself can find
A fiercer torment than a guilty mind,
Which day and night doth dreadfully accuse
Condemns the wretch, but still the charge renews.*

Among the most remarkable features in the organization of the French police, is the registry which is kept, of all the transactions, in which it is any way concerned, as well as of the information or documents communicated to it respecting individuals either in France or elsewhere. Nothing, however minute, that has fallen regularly under the notice, of any one of the offices in any part of the empire, or of the establishments in foreign countries, is suffered to descend into obli-

* The vigorous English version by Creech, of a part of the celebrated lines of Juvenal,

Cur tamen tu hos evasisse putes, &c.

vion. All passes into the department of the "Archives," which appertains essentially to the constitution, even of the village "bureaus." Thus is there treasured up an immense magazine not only of events, but of characters, which forms both an inexhaustible armory, and a complete code of instruction, for this portentous tribunal. At one glance you will perceive, the ascendancy which it must possess, by means of such a body of records, over a nation circumstanced as France has been during the last twenty years. You cannot fail at the same time to observe the important aids, which it must derive from the same source, in the prosecution of that warfare on foreign countries, which I have described, in the first part of this letter. As in the *Dépôt de la Guerre*, there are lodged the most accurate, and minute statements respecting the geographical face, and physico-military resources of every foreign country, so in the "Archives" of the police, is there accumulated a vast mass of intelligence with respect to their moral and intellectual strength;—a correct outline of the history, faculties, and principles of all the individuals who, during a long series of years, have been conspicuous in their annals or active in their councils. Under this point of view, every day augments the means of the colossal power of which I am speaking, and increases the chances of success for the further extension of French despotism, as far as it co-operates in the promotion of that object.

I have often indulged my fancy in tracing the consequences of the conquest of France by an English or other hostile force, with a view to the seizure, and revelation of the archives of the several police offices, throughout the empire. What a terrible history of the turpitude of human nature would not then be divulged! What a picture afforded of the depravity of the French government! I could desire no better security against the re-establishment of the French power, than such an event, as long as any memorial of it could be preserved. Mankind must ever afterwards spontaneously unite by an instinct of self-preservation, more operative than any counteracting principle of discord, to prevent the second growth of a system, of which the experimented evils, terrible as they are, would have been found, to fall so far short of those, which were yet in store. The partial opening of the governmental records of Paris during the revolution, disclosed the fact that some of the most ardent and popular demagogues of England, Algernon Sidney and Wilkes among the number, as well as a multitude of the same class of men in the former republics of Italy, had been bribed by, and in habits of treasonable correspondence with the French monarchy. In the event which I have sup-

posed above, what precious discoveries of a similar kind might not be made, with respect to a host of more modern zealots for the rights of the people, in some countries which I need not name?

The press of foreign nations forms an object of particular attention in Paris. The principal gazettes of England, and of this country, are received and examined in the office of the police, and such parts of them translated as are deemed of importance in any respect. A summary of their political contents is often laid before the Emperor, who is said to take a lively interest in the paragraphs, which relate immediately to himself. An instance of the avidity of the French government on this subject, affecting an individual with whom you and I are well acquainted,—a former French *chargé d'affaires* in this country,—occurred during my residence in Paris. This gentleman had taken with him to France a file of some one of our northern gazettes, containing a series of essays, under the signature, if I recollect well, of “An Observer,” which developed with much sagacity, the nature and views of the French power. He showed them unsuspectingly to a person of some rank, with whom he was upon an intimate footing. This individual very soon after communicated the fact of his having such gazettes in his possession, to the department of the police. The owner immediately received a mandate to deliver them up to the minister, which was obeyed without delay. He made application, after some lapse of time, to have them restored, but was answered, that they were retained for the service of his Imperial majesty.

It is time for me to quit this disgusting theme, and to allow you some repose. I shall touch upon matters of a gayer cast in my next.

LETTER VIII.

AFTER having dwelt so long on the afflictions of the Parisians, I cannot do better, for the exhilaration of your spirits, as well as of my own, than to pass in review, some few of their favourite amusements. Even here I strike a chord sounding at intervals a harsh, and melancholy note: for I am compelled to believe,—and must write accordingly,—that these are, in themselves, but an indifferent solace, notwithstanding the passionate avidity with which they are sought. On a near inspection, I could never consider them, in spite of the brilliancy of their aspect, and of the rapture which they sometimes appear to excite, but in one or other of the two following characters;—either as the forced alternative to which the victim of despotism, in the absence of all sources of real comfort and solid happiness, rushes with feverish anxiety, to find a temporary oblivion of his wretchedness; or as the deceptive and vicious choice of degenerate and light minds, grasping laboriously at shadows, and mistaking for the prime good of life, what in reality, is but a graceful embellishment, or, perhaps, bitter poison. I should proceed with much more satisfaction, had I to describe recreations of the heart, rather than those of the imagination. In that topic there would be something truly reviving, and permanently consolatory; because we should both derive from it, the assurance, that, although military tyranny may have exhausted upon the French nation all its expedients of oppression, yet much was left behind to counterbalance its evils;—that existence under them, was not stripped of all dignity, nor entirely destitute of genuine relish. But the Parisian knows little of the purest and most vivid delights of the heart; of the sympathies of the fireside—of the endearments of close family union.

There is scarcely a resident of that city who can comprehend the satisfaction arising from domestic habits; or conceive how an evening can be agreeably spent, but in mixed society, or at the theatre. Scenical exhibitions of one kind or other, social meetings of whatever cast, and the refinements of voluptuousness, are among his diurnal and absolute wants. I presume that, notwithstanding the great multitude of objects which Paris contains, to amuse the fancy, and the universal eagerness with which they are pursued, there is no part of the world where, proportionably to the population, you find so many of that class of men,—too common indeed in every country,—whom the poet forcibly describes as,

Such whose sole bliss is eating, who can give
But that one brutal reason, why they live.

Every thing that I saw in the French metropolis, either as to modes of thinking or acting, in public or in private,—served to convince me, how much truth there is in the animated exclamation of Cowper,

Domestic happiness, thou only bliss
Of Paradise, that hast survived the fall,
Thou art not known, where Pleasure is ador'd,
That reeling goddess with the zoneless waist
And wandering eyes, still leaning on the arm
Of Novelty, her fickle, frail support!

I scarcely need inform you, that the stage constitutes the principal diversion, of a great majority of the inhabitants of Paris. At the period of my residence there, no less than nineteen theatres great and small were open every night, and in general well filled. The government has since, as I observe, reduced the number to eight. Added to these was an incredible number, of similar exhibitions of an inferior order, dispersed in every part of the capital; several of them established in the night cellars of the Palais Royal. We are not without some fondness for the amusements of the stage in this country, but a sober American who has never been abroad, would find it impossible to imagine the force of their attraction, or the importance attached to them, in Paris, and indeed in most of the capitals of the European continent. The observation of each successive day renewed my first and lively surprise, at the hold which they possess on the hearts of the Parisians. They would seem in their estimation, to be the most important of human concerns; an integral and chief part of the social order; as natural and necessary in the routine of life as the periodical meal, the movements of industry, or the operations of government. Although the profession of scenic performers is under disrepute both in England and in France, yet, in both countries, this class of persons engage more of the public attention, are followed with more curiosity even in their private walks, are more the theme of discourse and authorship, than almost any of the "right worshipful" branches of the community. The heroes of the buskin occupy as much of good biographical literature, as those of the field or the cabinet, and in all likelihood, flourish even longer with posterity. In the United States, as you know, we take still less interest in the history, than in the amusements of the stage. Dramatic biography of our own, we have none, and

that which is imported from our mother country, has but a small number of consumers, among the cultivated intellects of the country.

The chief idol, the chosen resort, the capital boast of the Parisians, is the *Grand Opera*, or as it is yet more sonorously denominated, the Imperial Academy of Music. It is here that they drive in vast crowds, with a vehemence and constancy of pursuit, worthy of the highest object of rational desire; that they hug themselves with complacency, and *yawn withal*, although they still exultingly pronounce, and perhaps believe it to be, as Voltaire has instructed them,—a spectacle,

Où les beaux vers, la danse, la musique,
L'art de tromper les yeux par les couleurs,
L'art plus heureux de séduire les cœurs,
De cent plaisirs, font un plaisir unique.

I am by no means disposed to deny that the Grand Opera is fully intitled, to many of the encomiums bestowed upon it by its worshippers. It is, in fact, the *chef d'œuvre* of the magnificence of luxurious art; a most wonderful exhibition, surpassing all description and all expectation. Few persons could have felt its magic more intensely than myself. I cannot paint to you the vivid emotions with which I contemplated the whole scene; the electrical ecstasy which I experienced from the first stroke of the bow; the admiration with which I beheld the feats of Duport and Mde. Gardel; the raptures into which I was thrown by some of the fine passages of Gluck and Piccini, chaunted by Lais and Lainez. The immensity of the theatre crowded as I have seen it, through all the seven tiers of boxes, with women whose *coiffure* consisted of the richest artificial flowers, and with public functionaries in their glittering costume of office; the unrivalled splendor and taste of the scenery and dresses of the stage,—the number, skill, and animating “concerto” of the orchestra; the ingenuity of the *ballets*, and the perfection with which they are executed, make up altogether the most fascinating entertainment for a short period of time, that can be offered to the fancy.

In spite of all this, however, it happened to me, at the end even of the first representation which I witnessed, and on every subsequent occasion, to experience a very heavy sense of weariness, and the same thing, I am well assured, occurs to every spectator, whether stranger, or indeed, native, as I have before hinted. All the Parisians whom I questioned on this point, confessed to me that they were uniformly seized with a fit of *ennui*, even before the first part of the performance

was finished. I visited the Grand Opera often, with renovated curiosity, with increased admiration, and yet never quitted it but with rejoicing, and a determination to suffer a good long interval to pass, before I again exposed myself to so much fatigue of the spirits. A similar paradox, if I may so call it, obtains with the Parisians; for, notwithstanding the lassitude which they themselves suffer, and the multitude of their theatrical amusements, they will struggle for a seat, on the announcement of a new piece, with the utmost ardour of emulation, and be content to wait for many hours at the door of the house, previous to its being opened, in order to attain their object. A solo of Kreutzer, a brilliant "*aria*" from Lais, or a new *pas-seul* from Vestris, will occasion such tumults of applause, kindle such animation in their whole frames, that you would suppose the emotion of delight to which these transports would seem to be owing, too intense and penetrative, to admit of a revolution of feeling, within the term prescribed for the duration of the spectacle.

The fact, however, is, that the Grand Opera becomes from many causes, a tedious exhibition. It is overloaded with ornament, and almost exclusively directed to the imagination through the senses. It oppresses the mind by its pageantry, and the frequent repetition of the same prodigies of art. The "programme" or bill of fare promises a wonderful variety of entertainment, but you find a surfeiting monotony in the execution. A few of the musical compositions, such as those of Gluck, Sacchini, and Piccini, are endued with the highest excellence, and may be listened to throughout, with untiring delectation. In general, however, the music is heavy and unnatural, full of parade and puerility, without tenderness of expression, or distinctness of character: the *recitative* cold, drawling and harsh,—the *air* a series of feats of strength,—wholly artificial, and rarely in unison with the spirit or situations of the poem. You are stunned by noise, and too often reminded of the phrase of Piccini, "that the ear of the Italians is but a simple cartilage—that of the French lined with morocco." "*Que l'oreille des Italiens n'étoit qu'un simple cartilage; celle des Français doublée de marroquin.*"*

Another of the causes tending to render the opera in some degree oppressive, is, in my opinion, that part of the spectacle which is styled "*le merveilleux*," the marvellous. A ce-

* Goldoni styled the French opera-house, "the paradise of the eyes, and the hell of the ears." *Le paradis des yeux, et l'enfer des oreilles.*

celebrated French writer has defined the opera to be the epic dramatized. But the lyrical poets of France have not confined themselves to the common machinery of the epic. Not satisfied with gods, goddesses, ghosts, genii, fairies, and magicians, they have personified the loves, the graces, the virtues, the passions, the vices, abstract ideas. These are all embodied, and brought on the stage. The supernatural creation forms a magnificent show, being for the most part very richly and variously attired, but they are dull companions, after the first glance of the eye. No interest can possibly be excited by such agents, nor can any thing of illusion prevail where they are present. The license indulged in this way is justly said by the French critics, to have retarded the progress of the music of their opera, which indeed can never become natural, expressive, or truly graceful, when destined to be the language of beings sprung from the poet's fancy. This machinery is much better placed in the *ballet* or afterpiece, to which it has been of late chiefly restricted. It is impossible to look upon the scene of the "toilet of Venus" in the ballet of Pysché, without lively sentiments of admiration. This piece, which lays open both Olympus and Tartarus to the spectator, and occupies him almost exclusively with their inhabitants, awakens the same feeling throughout. But it completely jades the imagination. I derived much more pleasure,—vastly more elasticity of spirits, from the "*Dansomanie*" precisely because the subject is human, the action simple, and the music, on this account, more natural and touching.

The dancing of the opera, also, contributes to the untoward effect which I have mentioned. You may perhaps be surprised at this opinion, after all that you have heard concerning the perfection, to which this art has been brought in France. It is true that the dancing of the opera is something almost miraculous; that it transcends any idea which could be formed of its character at a distance. But there is by far too much of it in the course of an evening. The opera house might, with full as much propriety, be called the academy of dancing, as of music. The former shares considerably more than the half of the six hours which the exhibition consumes, and seems to enjoy the precedence in dignity, in the estimation of the public. Gardel and Milon, "*the maitres des ballets*" are personages of more consequence and interest for the Parisians, than Piccini or Le Sueur. The dancing not only fills up the intervals between the acts, but is blended with the plot, and suspends the action of the opera itself. The most tragical and pathetic scene, when both the lyric poet, and the musical com-

poser are supposed to exert their utmost powers for the enthralment of the heart, is suddenly arrested by the entrance of the *corps de ballet*; the *dramatis personæ* whether divinities or heroes, seem instantaneously to forget their distress, and to lose sight altogether of the embarrassments of their situation: they quietly take the seats which are adjusted for them at the corners of the stage; the orchestra sounds a totally different strain; and after some movements on the part of the whole group of interlopers, Vestris, perhaps, or Mde. Gardel, or both, are detached from the crowd, and during a considerable period, absorb the attention and admiration not only of the public, but of the personages of the drama, by "*pirouettes*," "*gar-gouillades*," "*aplombs*," "*attitudes*," and other academical exercises of their art. These are repeated in the same incongruous way, from act to act, besides forming the interludes, as I have said, and constituting the groundwork of the long *ballet* which succeeds. Thus the opera itself is broken up into loose fragments, which have no other interest for the auditor, than what results from the display of skill on the part of the composer and singer, the one in arbitrary and unmeaning combinations of harmony,—the other in *prolations*, "*trilles*," "*chevrottements*," "*ports de voix*," &c.

The bulk of the audience, while the drama goes on, are secretly impatient, for the appearance of *Messieurs et Mesdames les artistes*,—such being the official appellation of the Terpsichorean band—and generally wish them off again, before they have finished their round of evolutions. Even "the god of the dance" himself, as Vestris is reverentially styled by the idolatrous Parisians, or Duport his formidable rival in the arts of saltation and gyration, pall upon the appetite at last; the sooner perhaps, on account of the supernatural vigor and agility with which they perform their task. A "*gavotte*" between Vestris and Mde. Gardel, the principal female of the corps, would seem sufficient, I must confess, to fascinate the mind for almost any length of time, were not the spell weakened by the horrible grimaces of the former, and an excess of sinuosity on the part of the lady, which is, however, said, and I presume, thought to be, the acmé of grace, by the Parisians. You should know that Mde. Gardel was, at the time of my acquaintance with the opera, more than fifty years old, extremely meagre, and ugly, and yet personated Venus, Hebé, Virginia, &c. certainly to the admiration of every spectator.

Notwithstanding the fertility of invention ascribed to the ballet masters of the opera, I cannot say that I found much

variety in the exhibitions of their "corps." Their *interhudes* consist of a repetition of vague movements, and unconnected achievements of agility. The figures traced out, and the groups formed, are often, indeed, exceedingly ingenious and beautifully picturesque, but they excite nothing more than a momentary emotion of pleasure, and necessarily partake of a great sameness of character. In general, the like observation may be applied to the ballets, the more elaborate compositions of the art, which aspire even to dramatic excellence. If tested by their effects, they are but a disjointed series of prolusions of fancy, sometimes conceived with much taste, and of mechanical devices adroitly contrived; all executed in perfection, and kindling an agreeable surprise, in their novelty. This, however, is very different from the influence of a regular and skilful dramatic representation on the mind.

Dancing may perhaps be rendered,—as pantomime in general must have been among the ancients, if we are to credit the astonishing effects, ascribed to it in their histories,—an imitative art, capable of expressing, by gesticulation and movement alone, all the sentiments and passions of the soul; of representing fully a methodical intrigue, and of affording pictures and situations, competent to touch the heart, as well as to exalt the imagination. But it has not yet reached this height of excellence, at the Grand opera, whatever may be said by the enthusiasts of the *coulisse*. If such perfection be attainable,—and of this I very much doubt,—it could not be compassed, without the aid of a ballet master, endowed with the genius of a great poet,—of dancers consummate not only in their own art, but in that of *acting*;—of a musical composer capable of seizing, and expressing fully by his notes, the language of nature and truth. As to the present ballet of the opera,—were it not for the instrumental music, which, however, consists for the most part of light ball-room airs,—it might be said to resemble a long service of pastry inimitably well made, and moulded into a great number of beautiful forms, but still mere puff-paste, and of which more than one or two courses, would be very apt to prove fatiguing, even for the most voracious *gourmand*. The spectators of the ballet evidently anticipate little more than a feast for the eye, and a wonderful display of agility, and these are all that the composer is materially concerned about. The whole is an affair of scenic decoration, of picturesque grouping and figuring, of cadence and measure, of balancing, whirling, bounding and posture making, multiplied and rehearsed even to satiety. There are, without doubt,

some few exceptions to this rule; dramatic interest is sometimes excited by particular scenes, and music truly divine, now and then introduced. Great classical taste is, moreover, exhibited in the mythological and allegorical scenery,—if there be not much congruity in the action of the personages. It is, I must confess, somewhat ludicrous, to see Achilles “the most terrible of men,”—*παντων εκπαιροτατ’ ανδρων*—cutting “*entrechats*” and “*brisées*.”

You must not conclude from what I have here said, in relation to the “Imperial Academy of Music,” that I undervalue the musical entertainment, or lyric drama called an opera, of which unfortunately we have as yet had no specimen in this country. On the contrary, I think it when even moderately well constituted, the most delightful, and susceptible of being rendered, the most sublime, brilliant and touching of all scenic performances. Nothing of this kind could, in my mind, equal the Olympiade of Metastasio for instance, with music correspondent to the excellence, and congenial to the spirit of the poem, and with a body of performers possessing suitable qualifications of voice, and genius. The Italians have opened for themselves, an inexhaustible fountain of the most delicious sensations, in the invention of their opera. By judiciously abstaining from the introduction of such appendages as those which give a distinct, and so much less powerful character to that of the French academy of music, they have afforded scope to the inherent, unrivalled influence of the lyric drama. Their rapid and unaffected declamation, the rich pathos of their *recitative obligé*, their penetrating and melodious *cantabile*,—their *arias*, the delight of the ear and at the same time the most just and feeling expression of the emotions of the soul,—a music brilliant yet natural, full of variety and ornament, and yet simple, united to a language supereminently mellifluous and significant,—all these contribute to render their opera, particularly when such a poet as Metastasio has contributed the verse, more forcible in effects of every kind with a person of a nice ear, and a lively imagination, than any common tragedy or comedy that was ever performed.

Lame as are the Italian operas of London and Paris in their means, I derived, perhaps more gratification from them, than from any other of the theatres of these capitals. The *comic opera* of the Italians,—*opera Buffa*—is generally wretched in point of plot and dialogue, although abounding in ludicrous images and situations, and seasoned at times with the most original pleasantry. You readily, however, overlook its defects, in consideration of the music, which is truly ravishing.

I frequented much, and with unwearied delight, the "Theatre de l'Imperatrice," in Paris, where the *opera Buffa* is performed. Some few of the Italian company were not without respectable powers; *Bianchi* as a *tenore*, *Barilli* as a *bouffon* or comedian, *Crespy Bianchi*, and *Mde. Barilli* as *prime donne*. The last was almost equal to *Catalani* in sweetness, flexibility, precision, and clearness of voice, although much inferior to her in brilliancy, strength and compass. The rest were scarcely above mediocrity. But the orchestra was excellent, and with the exception of number, superior, indeed, in every respect, to that of the opera. The enchanting music of such pieces as the *Matrimonio segreto*, the *Cantatrici Villane*, the *Duc Gemelli* of *Gulielmi*, was executed in a style that made amends for the extravagance of their plan, and the inequality of the vocal performance. No theatrical entertainment of their metropolis is so little sought after by the Parisians as this; a circumstance which would show that their taste is susceptible of improvement, if the music of their own operas, did not furnish an unequivocal demonstration of the fact.

The opinion is, I believe, general, particularly among those who have never witnessed the performance of a lyric drama, that it is so far removed from nature, as to be incapable of producing an illusion in the mind of the auditor, and even to border necessarily on the ridiculous. It is not conceived how a plot conducted in *recitative*, can excite a steady interest, or passions expressed in the *cantabile*, awaken correspondent emotions in the breasts of an audience. Yet such is undoubtedly the case; and I am well persuaded as I have before intimated, that a performance of this nature, perfect in its kind, would, with a people of ardent character and nice organs, achieve all the ends, and secure all the triumphs of the drama, more successfully than any other of the exhibitions of the stage. There is no disadvantage under which the opera labours,—in its theory at least,—which is not common to the other species of dramatic composition, while it enjoys a decided superiority in the more powerful influence which it exerts over the senses, and through them over the heart. In the common utterance of our thoughts and feelings by sound, we do not indeed sing, to use the word in its technical sense,—nor do we either, employ the factitious tone and verse of tragedy. If there be any violence done to nature, it is nearly the same in both cases. Our comedies, for the most part, unite more features of ridicule in a single character, and more incidents and adventures in a single plot, than one individual, or the same space of time, ever affords in reality. Where rhyme

is used, as among the French, in tragedy or comedy, particularly in the latter, there is certainly a wider deviation from the truth of nature than in any of the features of the opera: and yet it is stoutly contended by all the French critics, and by our own master-critic Dryden, that this does not impede the attainment of the proper purposes of either of those branches of the drama, or in any other manner detract from their merit.

The fact is, that tragedy and comedy are imitations, and not strictly representations, of nature, and that in them, as in landscape painting, and every other imitative art, nothing more is required than a perceptible resemblance. In imitation there is always something of fiction. Upon this indeed depends in part, the illusion produced, and the pleasure communicated. The embellishment of nature conduces eminently to both, where her materials and those of art being the same, there is but a refinement in the manner, effected by the latter. Thus the elevated tone and the verse of tragedy are but an ornamental modification of speech;—the recitative, and the aria, but a further refinement of the same kind, effected by means of which the process of nature herself furnishes the model,* and which, being of all other accessaries, the most irresistibly seductive with the imagination and the heart, are likely to create the most complete illusion, as well as, to convey the highest pleasure. The argument in favour of the lyric drama, would acquire double force, if we adopted the theory of Johnson, who rejects altogether the idea of an illusion of reality, produced by any scenic exhibition whatever.

As the constitution of this drama is very little understood among us, and as I am desirous of impressing more fully upon you, my notions with respect to its intrinsic excellence, I shall venture to subjoin a translation of some passages from a French critic, in reference to the point which I have dis-

* The following remarks in relation to this point, are made by Sir William Jones, in his *Essay on the Imitative Arts*.

"It seems probable, that poetry was originally no more than a strong, and animated expression of the human passions, of joy and grief, love and hate, admiration and anger, sometimes pure and unmixed, sometimes variously modified and combined: for, if we observe the voice and accents of a person affected by any of the violent passions, we shall perceive something in them very nearly approaching to cadence and measure; which is remarkably the case in the language of a vehement orator, whose talent is chiefly conversant about praise or censure; and we may collect from several passages in Tully, that the fine speakers of old Greece and Rome, had a sort of rhythm in their sentences, less regular, but not less melodious, than that of the poets."

cussed in the two last paragraphs. You will pardon this digression from the affairs of Paris, in consideration of the novelty of the matter in question.

"The imitation of nature by song, must have early occurred to the human imagination. Every animate being is stimulated by the feeling of existence, to utter at particular times, accents more or less melodious, according to the nature of its organs. How could man remain silent amid the general chorus? The first music probably consisted only of couplets and light airs: but genius did not long remain within these limits. It conceived the bold and noble project of making song an instrument of imitation. It soon discovered that we raise our voice, that there is more of force and melody in our speech, in proportion as our minds are agitated. By studying men under different circumstances, it learned that they really sing in all the important junctures of life; it saw, moreover, that each passion, each affection of the soul, has its cadence, its inflexions, its melody, its peculiar song."

"From this discovery, sprung imitative music and the art of singing, which became a sort of poetry, a language, an imitative art, whose object it is to express by melody, and with the aid of harmony, every species of discourse, accent and passion. The association of this art, not less sublime, than nearly allied to nature, with the dramatic, gave birth to the *opera*, the most noble and brilliant of all modern theatrical performances."

"Music is a language. Imagine a people of enthusiasts, who, with our feelings and passions, were, moreover, gifted with organs much more acute, delicate, flexible, and sensitive; such a people would sing, instead of speaking. The lyric drama does not exhibit beings of a constitution distinct from ours, but only of a more perfect organization. They express themselves in a language, which cannot be spoken without genius, but which cannot fail to be understood, with the aid of a delicate taste, and a nice and cultivated ear. Those who have styled song the most fabulous of languages, and who ridicule the idea of a hero dying in the act of singing, have, then, less of reason on their side, than might be at first imagined; *they* may perceive in music nothing more than an agreeable and harmonious noise, a succession of accords and cadences, but the defect lies in their own organs. It required an attic ear to appreciate the eloquence of Demosthenes."

"The language of the musician has the same advantage over that of the poet, that a universal language possesses

over a particular idiom. The musician speaks the language of all ages and all nations. A universal language affecting immediately the senses and the imagination, is by its nature, the language of sentiment, and of the passions. Its accents, going directly to the heart, without passing, as it were, through the mind, must produce effects unknown to any other; and the very vagueness of character which attends it, and which prevents it from giving to its accents the precision of speech, procures for it an unrivalled influence over the fancy, by the circumstance of its devolving on that faculty the business of interpretation. This influence, music enjoys in common with pantomime or gesticulation, that other universal language. Experience teaches us how imperiously the mind is swayed, by both these modes of addressing it. The lyric drama must then produce a much more profound impression than common tragedy. If the tragedy of *Merope* causes me to shed tears, the alarms and the anguish of this unfortunate mother properly expressed at the opera, must completely fill and overpower my mind; pierce and lacerate my heart. The musician who should fail to produce these effects, would be unworthy of his art."

"But passion has its repose and its intervals. In this respect the theatrical art follows the footsteps of nature. The personages of the drama should not be always agitated, nor can we always weep in the theatre. The subalterns of the piece, however important to its action, cannot utter the same passionate accents as the heroes. Every pathetic crisis, must, in addition, be prepared by degrees.—It follows, therefore, that there must be two periods altogether distinct in the lyric drama, the tranquil period on the one hand, and the passionate on the other. The first care of the musical composer was, then, to frame two kinds of declamation essentially different, and fitted, the one to render the tranquil discourse, the other to express the language of the passions in all its force, variety and disorder. This last kind is denominated the *air*, or *aria*; the first has been called the *recitative*, which is nothing more than a *noted* declamation, supported and conducted by a simple bass, and which expresses the natural inflexions and intonations of speech, by intervals rather more marked, and sensible, than those which occur in ordinary elocution."

"After the revival of letters, the dramatic art made rapid strides to perfection, in most of the countries of Europe. In Italy, the barbarous taste of the preceding age soon underwent a salutary revolution, and as soon as the project of sing-

ing upon the stage was formed, it was perceived, that tragedy and comedy were alone susceptible of being set to music, and not the "marvellous" or epic machinery. By a most fortunate concurrence, there arose at the same time, the most pathetic and forceful of lyric poets, the illustrious^{*} Metastasio, together with a host of musicians in Italy and Germany, endowed with splendid genius, and at the head of whom posterity will always distinguish the names of Vinci, Hasse and Pergolesi. Then it was that the musical or lyric drama attained a high degree of excellence. All the great pictures, all the most interesting, pathetic and terrible situations, all the springs of tragedy, were appropriated to the musical art, and received from it a kind of expression and a character of warmth, which captivated alike the men of judgment and taste, and the populace. Music having been consecrated in Italy, from the period of its origin, to the expression of natural feeling, and of the passions, its true destination,—the lyric poet could not fall into a mistake with respect to what the composer expected from him; nor could the composer, on the other hand, lead the former astray from the path of nature and of truth. Under such circumstances, we must not be surprised if in the country of taste, and the arts, tragedy without music has been almost entirely neglected. However touching a mere tragical representation may be, it must always appear cold and feeble, by the side of one animated by music. France, had she equalled her neighbours in music, would not probably have enjoyed her Racine."

"Why then, may it be asked, has not the Italian opera with means so potent, produced effects as striking as those related of ancient tragedy? Let us briefly examine how it has happened, that so many sublime efforts of genius, on the part of the poet, and the composer, have proved in some manner abortive."

"When a theatrical exhibition serves only as an amusement for a particular and idle class of men, such as what is called the "good company" of a nation, it is impossible for it to retain a character of dignity or great elevation. Whatever genius the poet may possess, his work will necessarily savour, in the execution, and in a variety of its details, of the frivolity of its destination. Sophocles, in composing his tragedies, laboured for his country,—for religion,—for the most august solemnities of the republic. Of all the modern poets, Metastasio, perhaps, enjoyed the easiest lot, honoured and protected as he was by the House of Austria; yet how different were his

station, and functions at Vienna, from those of Sophocles! Athens?—Among the ancients, the theatre was an affair of state; with us, if the police deigns to meddle with it, nothing more is done than to impose shackles, and fashion it in the most preposterous manner. The spectator, the actor, and the manager have all usurped a ridiculous dominion over the lyric drama, and the poet and the musician, its true inventors, themselves victims to this tyranny, are scarcely even consulted as to the manner of its execution.”

“It is well known that in Italy, the boxes of the theatre are principally used for the purposes of conversation, and society. The custom is to pass five or six hours at the opera, but not with a view to attend to the whole of the performance. Nothing more is required of the poet than some situations highly pathetic, and a few fine scenes; the rest is a matter of indifference. When the musical composer has succeeded in treating the celebrated “*morceaux*” which every body has by heart, in a manner somewhat novel, and worthy of his profession, the effect for the moment, is enthusiasm, ecstacy, ravishment,—but this soon ceases, and the audience no longer listen. Thus, two or three airs, a good duet, a remarkably fine scene, are sufficient to ensure success to an opera. The greatest apathy prevails in regard to its general merits, provided it has furnished some moments of rapture, and lasted the time appropriated for the duration of the visit to the theatre.”

“Among a nation passionately fond of vocal music, and where it has become an art that requires, besides a most excellent conformation of the physical organs, the most laborious, and persevering industry, the singer—of necessity, very soon usurped an undue ascendant over both the poet and the composer. Every sacrifice was to be made to his talent and his whims. The public, in compliance with its own predilections, called for such sacrifices, and took but little interest in the theatrical action, provided the singer was furnished with an opportunity of displaying his powers. The latter on his side, wanted but this, and cared nothing for the dramatical force, or congruity of the part assigned him.”

“The poet had then nothing to do but to prepare striking pictures and a few brilliant but unconnected passages: the musician was obliged to compose his airs in a style of the most figured harmony;—a style the most directly adverse to genuine theatrical music,—in order to induce the singer to execute a few of a simple and truly sublime character which were indispensable to the interpretation of the plot. The abuse was

at length carried so far, that the singer, when he did not find the airs allotted to him, agreeable to his fancy, substituted for them, others which had gained him applause in other pieces, and of which he altered the words as well as he could, in order to accommodate them to his situation and part. The manager, moreover, becoming acquainted with the taste and wishes of the public, dictated in the most absurd and arbitrary manner, to the poet and the composer."

"The aversion of Charles the sixth, the patron of Metastasio, for tragical *dénouements*, may also be enumerated among the causes, of the accidental inefficiency of the operatical representation. This prince wished every body to leave the theatre satisfied and tranquillized, and the poet was constrained to frame his pieces accordingly."

"Thus has it happened that the unrivalled resources of the lyric drama have been rendered comparatively impotent. The principles upon which it has been constituted in conformity to the untoward dispositions of the Italian public, and the manner in which it is executed on the stage, have conspired to deprive it of that absolute, unbounded sway, which it might otherwise have been made to exert over the minds of men. We may justly be surprised that Metastasio has been able to preserve any thing of nature or truth in his works, when we advert to the fetters by which he was shackled, to the necessity imposed on him of sacrificing the strength of his characters, and the coherence of his plot; of cutting out, as it were, all his pieces, from the same pattern;—of animating all his historical and tragical subjects with nearly the same personages."

But to return to the French opera. You can form no adequate conception of the paroxysms of delight and admiration, into which the Parisians are thrown, by the prowess of the principal dancers. Duport and Vestris are rewarded for an extraordinary bound, or other professional exploit, by reiterated bravos, shouts, and cries, which shake the lofty dome, and I would say, almost the solid foundations of the immense edifice of the Academy. The poor poet, and the musical composer, must be mournfully sensible, that it is not the "inspired verse," nor "the divine lyre," but the gymnastic art which "wins the prize." The French authors are fond of tracing a resemblance between the character of their nation, and that of the Greeks;—particularly between the Parisians and the Athenians. In one respect, certainly, a most striking affinity obtains; I mean in the frivolity of their tastes.

The *dansomania* under which the French metropolis labours, is an illustration of this, independently of a multitude of other traits to be culled at random. The attachment borne by the Parisians to the *ballet* is not less passionate, than that which the Greeks entertained for the Olympic games, objects, indeed, rather more dignified and masculine. It is, as you know, recorded, that the whole body of the citizens of Athens, ran in pursuit of a bird which escaped from the bosom of Alcibiades, when that orator was addressing them on highly important interests of state. I could find no difficulty in multiplying instances of national levity, not less striking, which fell under my observation during my sojourn in France. The public festivals of Paris abound with them. I recollect to have seen multitudes of elderly men and women, perhaps a sixth of the adult population of Paris, returning from an annual fair held in the park of St. Cloud in the month of September, with *rattles* in their hands, and seemingly much delighted with the noise of their plaything!

One of the most remarkable of the modern improvements in the French opera, is the attention paid to propriety of *costume*, especially when the personages of antiquity are brought on the stage. In this particular, the Parisians, in all their theatrical exhibitions, eminently excel the rest of the world. The case, however, was the reverse, two centuries ago. "Every actor," says Addison, speaking in one of his Spectators of the French theatre of his day, "that comes on the stage is a beau. The shepherds are all embroidered, and acquit themselves better than our English dancing masters. I have seen a couple of rivers appear in red stockings; and Alpheus, instead of having his head covered with sedge and bull-rushes, making love in a full-bottom periwig, and a plume of feathers. I remember the last opera I saw in that merry nation, (the French) was the Rape of Proserpine, where Pluto, to make the more tempting figure, puts himself in a French equipage, and brings Ascalaphus along with him as his *valet de chambre*." I can add to this, that even as late as the beginning of the last century, Julius Cæsar was seen on the principal theatres both of England and France, in an attire like that which Addison here mentions in the case of Alpheus.

Whatever may be the classical exactness of the scenery, and dresses of the Grand Opera, nothing can exceed the indecency of the costume, appropriated to the female dancers. The Italian opera of London is obnoxious to the same reproach, although not in an equal degree. I am not surprised that the bishop of that capital, was desirous of abating this

nuisance, by means of an act of parliament, or that it should have fallen under the ban of "the Society for the suppression of vice." The Parisian *corps de ballet* appear on the stage in a condition very little different, in effect, from that in which the wrestlers are said to have contended, at the Olympic games, after the misfortune which befel Orcippus. When the change to which this circumstance led, took place, all women and girls were, as you may recollect, prohibited on pain of death from appearing at the stadium. Were I to legislate for France, I certainly would enact a similar rule with respect to the Grand Opera, although perhaps, under a sanction somewhat less severe. It was not inaptly said by a French wit, that in order to insure success to a representation at this theatre; *il ne falloit qu'allonger les danses, et raccourcir les jupes.*" The state of the public morals of the French metropolis is not, in all probability, such, as that evil can now result from the licentiousness of the stage in any respect. The Opera, however, has, no doubt, had its share in the formation of the present character of the nation. It is certainly in many points, a type or reflection of that character.

Such is the magnificence of the *Academie Imperiale de Musique*, that, notwithstanding the crowds which frequent it, the government, to which it exclusively belongs, is annually brought in debt by the establishment. The surplus of the disbursements over the receipts forms an item of the public expenses, in the budget of the minister of finance. The preparation of such an opera as "The Triumphs of Trajan," could not have cost less than ten or fifteen thousand dollars. The conqueror appears on the stage in a car drawn by a number of horses, and attended by a crowd of nearly six hundred persons, all of whom are engaged in the regular service of the *Academy*. It is subject to a formal code of laws, and governed by a special "administration," the members of which are appointed by the Emperor. The performers are paid out of the national treasury. The salary even of the most eminent, is but trifling, when compared with what they might earn from the public, if they enjoyed a free agency in the exertion of their powers. They are not suffered to leave the metropolis without a particular license from the "administration," not even for the purpose of regaling the Provincials. When allowed to visit foreign countries, the motive and the condition are, invariably,—the promotion of some political purpose, and not the advancement of their private fortunes.

The dissoluteness of the lives of this gentry, beggars all description. An opera heroine and a *femme galante*, have been,

at all times, regarded as *synonimes*, and no reason, as you may be well assured, now exists, why they should be differently considered. The scandalous chronicle of the opera, although equal in corruption, and not much superior in refinement, to that of a brothel, is a subject of great interest for all ranks of society, and much the theme of polite discourse. The *amours* of Vestris, and of Elleviou, the Coryphæus of the French comic opera, are not only hawked about the streets, and embodied in volumes, but current in the drawing-room, and familiar to every *boudoir*. These gentlemen seem to have been eminently *hommes à bonnes fortunes*, and to have broken many hearts, as well in the regions of fashion, as in the sphere of their professional converse. The triumphs and infidelities of "the god of the dance," surpass in number and éclat, those related by the poets, of the good old monarch of Olympus himself.

I have already spoken of the interest taken by the Parisians of every grade, in the concerns of the members of the green-room, universally. That attracted by the "divinities" of the Grand Opera, is however much the most lively, inasmuch as they are admitted to occupy the highest rank in the yet decried profession of the stage, contributing as they do, not merely to banquet the public taste, but,—according to an official declaration of the government,—to adorn the national character. The Emperor himself might,—not without reason,—be jealous of some of the personages of his academy. I was convinced of this, by the moral effect of an unlucky accident, which I witnessed at the opera, during his warfare in the north of Europe against Russia. At the representation of a new *bullet* called *Ulysses*, one of the female dancers, in the act of descending on the stage in a cloud, in the character of Minerva, fell precipitately from a height of nearly fifteen feet, and was much injured. The confusion, dismay, distress and anguish of the whole house on the occasion, are altogether indescribable. Never was there a more prodigal display of sensibility: never in any assembly a more general and violent paroxysm of sighing, shrieking, groaning, sobbing and swooning. The attention and sympathy of the "good city of Paris," were, I can undertake to assert, more powerfully excited the next day, by this occurrence, than they had been by the contents of any one of the *bulletins* transmitted from "the grand army," during the whole of the campaign of Poland then in its most critical period. The gazettes, the coffee-houses, even the *faubourgs* rung with the melancholy event. The sufferer received visits of condolence from most of the leading members of the *haut*

ton, and was comforted in her misfortune, by a free benefit which the sympathy of the Parisians rendered so lucrative, that it must have enriched her for life. I should not forget, however, to add, that notwithstanding the intensity of their compassionate sorrow, and these benevolent efforts to alleviate her calamity, very many witticisms, and playful allusions were indulged about "the downfall of Minerva," *la chute de Minerve*, and the *faux pas* which occasioned the catastrophe.

Before I quit altogether the subject of the lyric drama, you will probably expect me to add something concerning the Italian opera of London, to which I have alluded in one or two instances. This establishment is far less celebrated than the Imperial academy at Paris, and certainly much less gorgeous. It is not, however, without considerable splendor, and possesses many more powerful attractions for "chromatic ears." The fine music of Italy, to which it is chiefly devoted, gives it an exquisite and uncloying relish for persons of good musical taste, notwithstanding the comparative inferiority of the orchestra, and the stage decorations. With respect to scenery, costume,—the organization and execution of the ballet, it is far behind the Parisian opera. On the whole, as a *spectacle*, it cannot sustain a comparison, whatever some of the honest citizens of London may imagine, when the "Siege of Troy" even to the consummation, by fire, of the destiny of that renowned city, is exhibited to them, amid so many dazzling appendages. You witness constantly at the opera of London, the grossest violations of the first principles of perspective, and the most ludicrous mismanagement in the mechanical details. The *corps de ballet* has some able members, such as Deshayes and the younger Vestris, but is wretchedly composed, in the mass.

The opera is now sung throughout in the Italian, and many of the best productions of the Roman school brought forward. The house is generally well filled, not indeed with persons who understand the language used on the stage, or who have much fondness for the music chaunted, but with the fashionable world, for whom it serves as a *lounge*, and a multitude of other persons, who regard it as a *show*. In truth, were it not for the intrinsic, *invincible* merits of the Italian music, and the stupendous powers of Catalani, it might justly be considered in this light alone, so miserably deficient are her associates in all the requisites of their art. Even this wonderful woman does not command a very strict attention from her English audience, extravagantly as she is applauded in the English gazettes, and however ample her pecuniary profits. I have almost uniformly had occasion to remark, I may add to *fret* at, a pretty general

chattering in every part of the house, during the time that she was performing such "feats of voice," and pouring forth such melodies, as seemed sufficient to work a miracle still more extraordinary than those ascribed to Orpheus or Amphion. Even at Paris, a real lover of music, who has the misfortune of being stationed in a box of the opera, with a number of French ladies, will find himself subject to a similar vexation, during the performance of the masterpieces of Gluck and Sacchini.

Catalani, of all modern singers, is unquestionably the most admirable and perfect. She is at the same time a good actress, and therefore does full justice both to Metastasio, and Pasiello. In her, the English have a treasure worth more than the whole aggregate of the riches of the same kind, to be found in Paris. I was in that capital, towards the close of her residence there, and present at the third concert which she gave to the astonished Parisians. The two first took place at the Grand Opera; for the use of which, it was said, she paid some thousand crowns each night. For the third she selected the Theatre Olympique, one of the most beautiful edifices of the kind that can be imagined. The house was admirably well lighted, and after the assembling of the company, among whom were the principal dignitaries of the empire, and most of the "bon ton," presented an exceedingly brilliant spectacle. The air of Piccini, *s'il ciel mi divide*, threw the Parisians into transports, which were revived with double violence, when she executed an air of Nazolini, and subsequently one from *Mitridate*, with a boldness, a force, a facility, a precision, a mellowness, such as they, or perhaps the world, had never before witnessed. Unaccustomed previously to any thing of great vocal powers, I was myself overcome by my emotions of delight and astonishment. I have never been able to comprehend fully why it was that the French government, so eager to make Paris the emporium of whatever is excellent in the fine arts, suffered her to visit England. It is certain that her first application for a passport was rejected.

There still obtains at the Italian opera of London, an abuse often anathematized by the well-wishers of the establishment, and of which the toleration is attended with the worst consequences. I allude to the privilege enjoyed by the *beau monde*, of assembling behind the scenes, after the lyric performance, and remaining there during the ballet. I have found myself—led by the curiosity natural to strangers—in this situation, in the midst of a numerous crowd of fashionable loungers, through whom it was by no means easy for the dancers, to make their

way to the stage. You may easily imagine how much this circumstance interferes with the regularity of the representation, and with the convenience, of such at least of the female performers, as are not desirous of being well jostled, or of snatching a moment of gallant badinage. These poor creatures daubed as they are with coarse paint, and covered with tinsel, should, however, if they consulted their true interests, studiously keep the world, at a proper theatrical distance, on these occasions. The whole illusion of the stage, and of their charms, vanished for me, when I returned to the pit, after having contemplated them in the way I have mentioned. No optical deception can soon efface from the imagination, the idea of the disgusting reality.

A similar practice existed at the French opera, some time previous to the revolution. It was, however, at length proscribed, to the great satisfaction of the critics. One of them, in writing on the improvements of the French theatre, holds a language with respect to this point, which I think worth transcribing, and which the English public would do well to consider. "The most necessary," says he "and at the same time the most difficult improvement to be effected, was to clear the stage of that crowd of idle spectators, who inundated it, and who left scarcely any space whatever to the actors. It will hardly be imagined at the present day, that Merope, Iphigenia, and Semiramis, were played in the centre as it were, of a battalion of spectators standing, who blocked up the avenues to the stage, and through whom, the actors found it a laborious task to penetrate, in entering and retiring. Nothing could be more adverse to the pomp and illusion of the scene. The shade of Ninus, elbowing and making his way through a crowd of *petits maîtres*, was at first an object of pleasantry, and the consequence was the fall of Semiramis, one of the most theatrical of our tragedies. But custom and the inclination of the performers maintained this barbarous abuse, which, perhaps, would still subsist, had it not been for the exertions of the Count de Lauragais." Every frequenter of "the king's theatre" in London, will, when he reads the above remarks, feel the force of the application.

I should, perhaps, dwell on the history of the London opera, which is curious,—in some respects as an illustration of the English character—were I not persuaded that you must be by this time, weary of the topic of this letter. I shall therefore, before I pass to something else, content myself with making only a short extract from a very amusing paper of the *Spectator*, on the subject, written by Addison, and which shows

that this inimitable writer had as good food for ridicule at home, in the affairs of the stage, as he had found in the French metropolis. "Our authors," says the Spectator, "in translating the Italian operas, would often make words of their own, which were entirely foreign to the meaning of the passages they pretended to translate; their chief care being to make the numbers of the English verse answer to those of the Italian, that both of them might go to the same tune. Thus the famous song in *Camilla*:

Barbara, si t'intendo, &c.

"Barbarous woman, yes, I know your meaning,"—which expresses the resentment of an angry lover, was translated into that English lamentation:

Frail are a lover's hopes, &c.

And it was pleasant enough to see the most refined persons of the British nation, dying away, and languishing to notes that were full of rage and indignation."

"The next step to our refinement, was the introduction of Italian actors into our opera, who sung their parts in their own language, at the same time that our countrymen performed theirs in our native tongue. The king or hero of the play generally spoke in Italian, and his slaves answered him in English. The lover frequently made his court and gained the heart of his princess, in a language which she did not understand. One would have thought it very difficult to have carried on dialogues after this manner, without an interpreter between the persons who conversed together, but this was the state of the English stage for about three years."

LETTER IX.

AMONG the dramatic performances of the French metropolis, those of the "Theatre Français" are highest in the esteem and favour of its inhabitants,—the wonders of the opera always excepted. Upon this theatre, which is exclusively reserved for tragedy, and genteel comedy, they plume themselves not a little, and, in my opinion, with great justice. No other of the kind wheresoever, is so well constituted:—none altogether capable of affording so rational, refined, and elegant an entertainment. Every stranger of good taste acquainted with the French language, and versed in the principles of sound criticism, must find in the "Theatre Français," a source of exalted delight, and matter for warm and discriminating admiration. If any theatre whatever be a school of morals, it is this, while at the same time it is one of the true *bon ton* in manners and language;—a *ton* of which the real life of France presents at present but few examples. It surpasses all others of the world, in the delicacy, and general elevation of the dialogue; in the purity of the diction, and pronunciation, in the classical propriety of the dresses, and decorations. As the mind is oftener recreated with classical images, and carried back to antiquity in Paris, than in any other metropolis, with the exception of Rome, so is it likewise in the theatre of which I am speaking, more frequently, than in any similar establishment whatever.

You perceive that the commendation which I have here pronounced on the "theatre Français," looks not merely to its mechanical details, and the capacity of the actors, but to the constitution of the French drama itself. I do not, however, mean to discuss the question of the comparative merits of this drama and that of England; a question upon which criticism may be said to have nearly exhausted all its resources, and which is nevertheless far from being settled to the conviction, either of the parties immediately concerned, or of the rest of the world. On this point I would refer you to Dryden's Essay on dramatic poetry, in whose opinions I partly concur; and to many very solid ideas to the same purport, scattered throughout the "Elements of Criticism" by lord Kames. I shall merely indulge myself in making a few general incidental observations on the subject, and in stating the in-

fluence exerted over my own feelings by the drama of each nation, as it is acted in London and Paris.

During my residence in the latter city, the performances at the "Theatre Français," consisted generally, of the best tragedies and comedies, of the good school of the *ancien régime*. Corneille, Racine, and Moliere had preserved their empire, amid the ruin of every other legitimate authority. Their chosen temple now and then presented a novelty, such for instance as the "Henri Quatre" of *Légouvé*, or the "Omasis" of *Baour de Lormian*, but the effect of the change was rather a fresh illustration of their merits by the force of contrast, and a consequent corroboration of their sway. In truth, the whole tribe of revolutionary and post-revolutionary dramatic writers, whether a Collin-d'Harleville, a Picard, a François de Neufchâteau, a Ducis, a Chenier, a Legouvé or a Lemercier, make but a sorry figure by the side of the Molières, Pirons, Regnards, Destouches, Racines, Crebillons, Corneilles and Voltaires, their illustrious predecessors. The disparity in this case, is even greater than that which obtains, between our cotemporaries of the same profession in England, and those who flourished under the Tudors and Stuarts.

It would, indeed, be doing an injustice to such a maker of tragedies as "Monk Lewis," for instance, to say, that his "Castle Spectre," was as far removed from the "Hamlet" of Shakspeare, as the "Henri Quatre" of *Légouvé* from the "Cid" of Corneille, or the "Macbeth" of Ducis from his English original. This last, together with the similar productions of the same author, which can neither be called metaphor nor paraphrase, and which certainly were not *intended* as caricatures,—exhibits our old bard in a guise, under which, were he not previously announced in the gazettes, no one of his compatriot acquaintance would ever recognize him. Although he has been dealt with, as Corneille, and particularly Racine, have been accused of treating the heroes of antiquity,—pared down to the French standard of humanity, the Parisians have not welcomed him with much cordiality, owing perhaps to the circumstance of his having fallen into very different hands from the poets just mentioned, and to his not being even as yet sufficiently cured of his fondness for slaughter, against which the French critics of every class, exclaim loudly, and with greater reason perhaps than we are willing to allow. Voltaire, in his imitations and plagiarisms, has introduced Shakspeare to his countrymen with better success, and more advantageously for the latter: And yet how great an inequality of general excellence, between "La Mort de Brutus" and "Julius Cæsar!"

In frequenting the "Theatre Français," I adopted a practice, which I would recommend to every foreigner who resorts to it,—as every foreigner should do, with indefatigable assiduity. It was that of carrying with me in print, the piece to be performed, and reading it as the actor declaimed, losing at the same time as little of his gesticulation as possible. For an English foreigner, this is so much the more necessary, as, however well he may comprehend the language, when spoken in common life, he will find it almost impossible to understand the dramatic dialogue, until his ear is attuned to the peculiar cadence of the stage. Every expedient which serves to engage the attention of a stranger, the more entirely, in the performance, is rendered particularly useful by the circumstance, that the *declamation* of this theatre, is the traditional one of the best age of the French language, both as to tone and pronunciation; and the reading of the authors little less punctiliously correct in all respects, than when taught by themselves. Were an actor to commit even a small mistake in grammar or orthoepy, or deviate from the traditionary prelection and elocution, he would be immediately corrected aloud by some one of his auditors; and there are never wanting among them persons well qualified for the purpose. You meet with men in the pit, who have been present, at every performance, which has taken place at this theatre, for twenty or thirty years past, without omitting a single night; who have by rote almost every line, and have conned almost every syllable, of its stock plays; who recollect distinctly how Le Kain, and Clairon, looked, gesticulated, and recited in each hemistich. This may appear extraordinary to you, but it is what has fallen under my own observation, and may be readily explained, by a reference to the passion, which the French cherish for theatrical amusements, the importance they attach to them, and the habit which they contract of relying upon them as a part of their diurnal enjoyment; topics on which I have already touched in the preceding letter.

With such censors, the performer is compelled to be scrupulously exact, and to make himself thoroughly master of the correct declamation of his part. He knows that nothing slovenly or illiterate will be endured. He has, besides, several peculiar incentives to exertion and accuracy. Among the number may be mentioned, the usage which prevails with the audience, to summon before them, at the termination of the play, the actor who has acquitted himself to their satisfaction, and to bestow upon him, as he approaches the edge of the stage, the tribute of their applause. Another and still stronger stimulus is the minute and unsparing criticism, to which his performance is, the next day,

subjected from innumerable pens, in the gazettes and journals of the metropolis, whose strictures generally circulate, by republication, throughout all parts of the empire. The tribunal erected over theatrical concerns of every description, in the *Journal de L'Empire*, and administered by Geoffroi, one of the most acute, vigilant, erudite, and merciless of censors, is alone sufficient to preserve immaculate the purity of stage declamation, and at the same time, were it not for the interference of a higher authority in favour of several courtly poets, to purge the manager's book of all its dross.

The declamation of the French stage is, at first, rather unpleasant to the ear, of an English or American stranger. It is characterized by a gesticulation much more vehement, and by stronger and more rapid inflections of the voice, than would be tolerated in our own theatre. There seems to be in both, a deviation from nature;—something too artificial and studied. In fact, the *recitative* of the opera, is scarcely more remote, from the elocution of real life, than the cadence of the actor at the Theatre Français. But whatever may be first impressions, not much time is required to reconcile to it entirely, both the ear and the judgment. You are soon convinced by your own experience, that so far from weakening, it rather heightens the illusion of the scene, while it administers a pleasure peculiar to itself. No one who has become familiar with, the declamation of which I am speaking, will feel his sensibility to the subject matter, diminished by it, or wish to hear pronounced otherwise than in this "*cantus obscurior*," such verses as the following for instance:

Destructeurs des tyrans, vous, qui n'avez pour rois,
Que les dieux de Numa, vos vertus, et nos lois,
Enfin votre ennemi commence à vous connoître.
Ce superbe toscan qui nous parloit en maître,
Porsenna, de Tarquin ce formidable appui,
Ce tyran protecteur d'un tyran comme lui,
Qui couvroit de son camp les rivages du Tibre,
Respecte le sénat, et craint un peuple libre, &c.

We know that among the ancients, an elaborate and formal modulation of the voice, was held to be indispensable, for the production of the astonishing effects which frequently accompanied the harangues of their orators, and the declamation of their tragedians. It was thought to be instrumental, in elevating the mind of the auditor, to the pitch of lofty dramatic sentiment, generally so much above the standard of ordinary feeling, and thus rendering his imagination, as it were, more ductile and inflammable in the hands of the poet. The experience of antiquity fully justifies this opinion, while it shows, that the

measured theatrical cadence is founded in nature, and efficaciously auxiliary to the spirit of the drama. Much controversy has arisen upon the question,—which does not yet seem to be decided,—whether the declamation of the ancients resembled that of our common theatres, or was of the same character as the recitative of the modern opera. Cicero speaks of a scenic modulation, “*modulatio scenica*,” as quite distinct from the cadence of the tribune. The latter indeed must have been much more strongly, as it was more studiously marked, than the one tolerated, even on our stage. It is not improbable that we should be much shocked in the beginning, at the real prosody of the ancients, if it were submitted to our ears. We can have at present no distinct conception of it, although we know thus far, that the pronunciation of the Greeks must have been in the nature of song from the manner in which their language was accented and measured, and from the testimony borne on the subject by Denys of Halicarnassus and other ancient authorities.

The purport of these remarks is merely to show, that our English critics and travellers, are not altogether correct, in condemning without qualification, the cadence of the French and Italian theatres. The French may find and feel real beauties in the tones of their actors; beauties which heighten the illusion of the scene, and to which we are insensible or strongly averse, solely from want of habit; for upon habit, in great part, depends the pleasure or disgust excited by impressions on our organs. The identity of the elocution of our stage, with that of common life, may be an imperfection, and I am inclined to think it is, for reasons which must be already apparent.

The two most conspicuous performers in the tragedy of the *Theatre Français*, are Talma and Lafond. The last is a young man, who fills with great ability, such parts as those of Achilles in the *Iphigénie* of Racine, and Orosmane in the *Zaire* of Voltaire. He is full of fire and motion; has a good person, and a sonorous voice, is well versed in the canons of his art, and emulous to excel. His countenance is somewhat deficient in expression; but still he never fails to awaken, by the contagious vivacity of his manner, and the sensibility of his accents, very eager attention and lively emotions in the minds of his audience. Arrogance, disappointment, disdain, alternate rage and sorrow, are the feelings which it generally falls to his lot to depict; and although he may not execute his task with such admirable effect as Le Kain, he is by no means unworthy of treading in the footsteps of this “his immortal predecessor.” He is not, in all probability, destined to enjoy, at any time, the same measure of fame.

Talma, however, of whom you have often heard me speak, is the great master of tragic declamation, and the most consummate actor, whom it has been my good fortune, ever to witness on the stage. He has, I think, no rival in existence but Mrs. Siddons, to whom, indeed, the palm of the art seems unquestionably to be due. With respect to person, nature has not been kind to Talma. His shape is awkward, and his stature somewhat low for a hero of the buskin; but she has indemnified him for this deficiency, by every other gift conducive to excellence in his line. His voice, countenance, and forehead, are admirably fitted, for the strongest possible expression, of the vehement passions. The faculties of his mind possess the same aptitude, and his studies have been of a nature to improve them to the utmost. He appears to be animated by an enthusiastic fondness for his profession, is guided by a thorough knowledge of its principles, and habitually engaged in the investigation and exertion of its resources. Talma has followed the example of Le Kain, by consulting on all occasions, the best models of antiquity, in painting and sculpture, and the works of the ancient poets, for aids in the mechanical details of acting, such as dress, attitude, &c. The defects of his person are, in fact, either concealed by the skill with which he adjusts his costume, or lost in the dignified grace of his movements. There is a simplicity and temperance in his action, which has induced the Parisians, accustomed almost uniformly to the reverse, to accuse him of copying the English manner. Nothing, however, can be more noble than his declamation, more impetuous than his vehemence, more intense than his expression, in situations which call for great tragic movements, or much elevation of style. He resembles altogether what Baron is described to have been, in the French theatrical annals. The "*caput artis decere*" a maxim generally overlooked by public speakers of every description in France, seems to be constantly in the view of Talma, as it was in that of Baron.*

The characters in which Talma is seen to most ad-

* This celebrated actor whom the French extol as the prodigy of his art, seems to have forgotten the maxim mentioned in the text, in the latter part of his life. Even at the age of *seventy-five*, he undertook to personate the youthful heroes of the drama. He is said to have raised a hearty laugh in his audience, when in performing at this advanced period, the part of Rodrigue in the *Cid* of Corneille, he came to the following verses,

Je suis jeune, il est vrai; mais aux ames bien nées
La valeur n'attend pas le nombre des années.

The mirth of the spectators was heightened, by the circumstance of seeing him, in the course of the same performance, unable to rise, after having thrown himself with great gallantry at the feet of the princess Chimene, without the assistance of two laquais in waiting.

vantage, are, those of Orestes, of Manlius in the tragedy of that name by La Fosse, of the Cinna of Corneille, &c. As Orestes, when tormented by the Furies, he strikes terror into the spectator, and fills the mind with admiration. The fierce and sombre glance of his eye in the part of a conspirator, the depth and gravity of his tones, the mysteriousness of his whole demeanor, the skill with which the real passions and workings of his soul are at the same time shadowed out, make up altogether the most perfect personation, and the most complete illusion that can be imagined. If I except the condition in which I found myself, on seeing Mrs. Siddons, as Jane Shore mad with the cravings of hunger, I never was, under any circumstances, so strongly moved, so powerfully electrified, as when I heard Talma as Manlius, venting his indignant reproaches, against the treacherous accomplice, who betrays his conspiracy to the Roman senate. The disdain, disappointment, rage and despair breathed in every look, word, and attitude, stamped in the wrappings of his brow, expressed in the tremor of his lips, the alternate contraction, and dilatation of his muscles, the wild disorder of his features, were such as I cannot attempt to describe. You may form a just idea of them, however, by recalling what you have occasionally witnessed, of the same modes of delineating similar emotions, from Cooke, the English tragedian, who, in fact, at particular moments, is, I doubt not, equal in this respect, to any actor that has ever been known, although inferior to Talma, in point of general merit and uniformity of excellence. Kemble enjoys over Cooke the like advantage; that of being more equable, as well as more chaste and dignified in his performance: but he has less of genius than either his countryman or Talma, and is incapable of reaching the heights, to which the former sometimes attains.

The French Roscius, it would seem, engaged zealously in the republican cause, at the commencement of the revolution, and signalized himself on various occasions, by the violence of his opinions. I have been much amused in the pit of the Theatre Français, in listening, between the acts, to the anecdotes kindly and gratuitously related to me by my neighbours, of the early political feuds of the *corps dramatique*. Talma occasioned, by his revolutionary doctrines, a schism in the company to which he belonged, and seceded to a different theatre, with one half of their number. Those who remained behind were afterwards imprisoned by the jacobin leaders, and as it was said,—unjustly however,—at the instigation of Talma. It happened at times, that he and his colleagues,—particularly Dugazon and Naudet,—interrupted the regular

performance of the stage, to accuse each other of aristocracy before their audience. The appeal seldom failed to occasion violent tumults in the house, and to end in the precipitate retreat of the party, against whom the majority pronounced judgment by something more, in general, than mere acclamation. On one occasion, Talma was called upon,—in order to repel a charge of the kind,—to recite some passages of a republican tenor, from the play of Voltaire, called “*La Mort de Brutus*.” This he did with so much fire and so keen a zest, that his innocence of the crime of aristocracy became self-evident, and his judges acquitted him, with the most cordial unanimity.

The tragedies of Racine and Voltaire are most frequently played on the Parisian stage; those of Crebillon but seldom. Nevertheless, admirable as are the former under many points of view, I must confess, that I relish the productions of the latter, even more than the master-pieces of Corneille. That which renders him unpalatable to his countrymen,—the deep gloom of his plots and the comparative ruggedness of his verse,—is precisely what, in my estimation distinguishes him advantageously from the poets just mentioned. His colouring is always sombre, but often sublime; his imagination daring and elevated; and his versification, although inferior in harmony to that of Racine and Voltaire, certainly more rapid, nervous, and concise. He aimed principally at what the English lyricist, Collins, calls “the thunders of the scene,” to which his genius was best adapted. Crebillon has caught more of the spirit of *Æschylus*, whose breast was truly “the sacred seat of terror”—than any other of the continental favourites of Melpomene. I have found much of this in the *Spanish Shakspeare* Calderon, and eminently in Alfieri, in whom, and in Goldoni, their chief comic poet, the Italians possess wherewithal to be justly proud of their drama. But there are, I think, no productions of any southern nation, which have so much of the excellence peculiar to the Greek tragedies, or leave so profound an impression on the mind of the reader; as the “*Rhadamiste et Zenobie*,” the “*Atrée et Thyeste*,” and the “*Catalina*” of Crebillon. Of the German theatre I know nothing, but through the medium of translations. I have been told in France, that the preference I give to Crebillon, is but a consequence of the barbarous taste for gloomy pictures and sanguinary catastrophes, which we so naturally imbibe from the “*gentis incunabula nostre*.” Be it so. But this taste happens to be that which prevailed among the Greeks in the most flourishing periods of their drama; which is calculated to produce, and which has produced, in the works of Sophocles and Shakspeare, the most sublime

effusions, and the most magnificent inventions of the human mind.

It is curious, in illustration of the French character, to contrast the proceedings in the theatre of Paris, during the revolution, with those which take place at the present day. What an immense difference between the political tone of all parties! At the "Theatre Français," where interludes are now, we might say, consecrated to the worship of an Emperor, three successive representations of the republican tragedy of "La Mort de Brutus" took place in the course of one night, in the year 1793, exacted by the insatiable appetite of the French public, for every thing that savoured in the least, of republicanism. Three several times was the theatre emptied and filled with a different audience; and Talma, who is now at intervals, graciously summoned to play for the amusement of their Imperial majesties at their private theatre of St. Cloud,—was compelled, as many times in succession, to go through the part of Brutus;—a task in the execution of which he was sustained, by his own burning zeal for liberty and equality! The "imperial academy of music" which is now in the nature of a temple, where the apotheosis of the "grand Napoleon" is nightly rehearsed, then resounded incessantly with *ça ira*, and the Marseilles hymn; and such was the sympathetic enthusiasm of the singers and the public, that on one occasion, five hundred young men enlisted for the frontiers, immediately after hearing the hymn just mentioned, chaunted from the stage by Lais, brandishing a poignard in one hand and waving the cap of liberty in the other. This great "vocal academician," who now supports the musical honours of the new piece called "the Triumphs of Trajan," in other words—the triumphs of Napoleon—was at one time an infuriate propagandist of jacobinism; journeyed through France on a mission from the society at Paris, presented inflammatory addresses to the public authorities, &c.—And,—what is not the least remarkable,—the Parisians themselves seem to contemplate their own inconsistency, without a feeling of mortification or self reproach. I was once present at the performance, by Picard's company, in the *theatre de l'Imperatrice*, of an extravagant little piece intitled *Le Reveil de Sept Ans*,* which afforded a striking exemplification of what I have here stated. The fable of it is this;—a gentleman of fortune, a royalist at heart, is supposed to have fallen into a deep sleep during the republican era, and to have continued in that state until

* The meaning of this title is, a waking from a sleep of seven years.

after the establishment of the imperial throne. The action of the piece consists in the terror with which he is seized, when, on waking, he hears himself saluted by his attendants, with the title of *Mr.* instead of *Citizen*, from an idea that it will furnish a ground of accusation against him,—in the new alarms which he conceives, at the language of all those who approach him, concerning the Emperor, the Princes, &c.,—and in the astonishment and delight with which he hears the proper explanation of the mystery, on being told of the entire revolution that had taken place during his nap, both in the condition and the nomenclature of things. I cannot describe to you the satisfaction with which a numerous audience, consisting, perhaps, in great part, of persons who had gone all lengths with the republican leaders, contemplated this dramatic picture of their own apostacy, and of the versatility of the national character. Every little incident and phrase which served to mark more emphatically the suddenness of the change, and the strength of the contrast, was received with an increased relish, and the most obstreperous applause.

The principal heroines of the *Theatre Français*, are Mdlle. Georges, and Mdlle. Duchesnois. Talma has confessedly no rival of his own sex, but these ladies contest with each other the empire of the stage in their walk, and it is, I must confess, difficult to decide between them, so equally balanced are their pretensions. Both, in my humble opinion, are not much above mediocrity, but this is far from being the sentiment of the Parisians, and to them we should submit in such matters. Duchesnois is compared to Duclos and Clairon, and Georges to Le Couvreur, the three most celebrated of the French actresses, in the time of the monarchy. I should be sorry to think, however, that so many volumes had been written in commemoration of talents, no greater than those which I could discover in the Phedres and Camilles of the present day. Mdlle. Georges is tall and graceful, and has a head of the true Grecian model. Her countenance is at the same time exceedingly fine. Nature has been far less bountiful to her rival, whose stature is low, and whose face is revoltingly ugly. She is said, indeed, amply to supply these defects, by the superior force with which she conceives her part, and the more overpowering energy with which she declaims. As a compensation, also, for the harshness of her voice, her intonations are uncommonly judicious, and studied with unremitting care.

Much pathos is ascribed to the acting of Mdlle. Georges, but I must acknowledge that I never felt it. Her declamation is too drawling and *tearful*,—*larmoyante*,—to borrow the idiom

of her critics. If there be any defect in the elocution of Mrs. Siddons, it is something of the same nature, although not by any means carried to an equally reprehensible excess. Both the French actresses transgress all bounds in the violence of their rant, and the variation of their tones, where they think it necessary to display strong feeling, or great animation. This is the general vice not only of the tragic actors of Paris, but of all public speakers in France. They do not wax warm by sufficiently slow degrees, for a due correspondence of emotion on the part of the auditor, and then go much beyond his utmost pitch, particularly if his constitution be one of the sluggish cast, which we have inherited from our progenitors.

The competition of Georges and Duchesnois had divided the French metropolis, into two parties scarcely less violently inflamed against each other, than the factions of the Circus, which distracted Constantinople in the reign of the Emperor Justinian, under the denomination of "Greens" and "Blues." It was hazardous, even for a stranger, to express an opinion on the merit of either of these actresses, in the pit of the *Theatre Français*, or in fact in any other theatre of the capital. I have known in several instances, the disputes on this subject, to become so general, and to assume so serious an aspect, that it was found necessary to claim the interference of the guard stationed at the doors. The feuds of which I am speaking, began with the stage heroines themselves, and extended to the *décrotteurs* or shoe-blacks, who took an interest in the question of their supremacy, little less profound than that of the professed critics. All the gazettes and journals were enlisted on one side or the other, and waged the most acrimonious hostilities.

A temporary reconciliation was, however, effected between the two rival queens in person, before my departure from the capital, and led to a general truce. The event was signalized in this way. They were prevailed upon to consent to act in the same piece,—a proceeding which they had before studiously avoided,—and the "Horace" of Corneille was chosen for the occasion. My curiosity to know how they, and their audience would acquit themselves, induced me to brave a fiery trial at the door of the theatre, in order to obtain a seat. I procured one after great exertion, and was much amused. While the fair competitors laboured to extort the suffrage of the majority, by the most violent efforts imaginable, their separate adherents seemed to be endeavouring, to outvie each other in mutual condescension, by bestowing indiscriminately upon both favourites, plaudits without end or measure. At the termination of the play, the "tragic Duchesnois," and "inimitable Georges"

were summoned to appear before the audience in the usual manner, to receive an undivided tribute of admiration. Immediately after this ceremony, they showed themselves arm in arm in a side box, and were no sooner descried by the pit, than a new chorus of plaudits burst forth, and continued until the lungs and ears of the enthusiasts themselves could bear no more. It was said that the government had interfered to produce the reconciliation, to which this scene was owing, but I cannot answer for the truth of the statement. Such an interposition,—had not the domestic peace of the capital been seriously threatened,—would appear to be a deviation from its ordinary and true policy, which is, to keep the Parisians as deeply engaged as possible in these weighty matters, in order that they may be less mindful of the *less important* concerns of state.

The comedy of the Theatre Français is in all respects preferable, to that of any other stage in the world. It is replete with wit, elevated and chaste, and perfectly sustained by the performers of both sexes. Broad or low farce, together with the ribaldry and obscenity, which pollute the English theatres, are entirely banished from this. The decorum of the manner,—which is generally determined by that of the matter,—is also strikingly contrasted with what you witness at Covent Garden or Drury Lane, on the part not only of the inferior, but of the higher class of comedians. Of broad farce, melodramas, ludicrous pantomime and harlequinades,—much, too, exceedingly good in its kind,—there was enough to be found in the small theatres of Paris, but I do not recollect that I ever had occasion to remark, even where these are exhibited, such licentious incidents and offensive speeches as abound in the English after pieces of the present day, and with which our galleries are too often gratified in this country.

Fleury was at the head of the genteel comedy of France, at the period to which these letters refer. It was a rich treat to see him in “*L'Ecole des Bourgeois*,” or as Frederick the Great, in the piece intitled “*Les Deux Pages*.” I was told by those who had known the Prussian monarch, that the imitation was perfect in all respects. They could readily have imagined him present on the stage, not only by the dress and general appearance of the actor, but from the tones of his voice, and from every look and gesture. Fleury had about him, very able assistants, particularly among the females. The two Contats, Mdles. Mars, Mezeray, and Bourgouin, were actresses of extraordinary merit, and at the same time of a captivating exterior. There was in fact nothing below mediocrity, and much that was of the highest excellence, in all the comic performances of this theatre.

It is difficult for me to imagine, that any establishment of the kind which has ever existed, could yield more complete satisfaction throughout an evening, than was to be derived from the "Cinna" of Corneille and the "Deux Pages," played in succession: Talma in the part of the conspirator, and Fleury as the Prussian monarch. I have enjoyed the best bill of fare which Drury Lane could furnish for a single entertainment, when Elliston and Mrs. Jordan were upon the boards, but I must confess that, altogether, I was very differently regaled. Our good tragedies and comedies, containing as they do, beauties of a higher order than those, of which any others can boast, are, nevertheless, more unequal, and fatiguing in the *ensemble*, than the esteemed dramatic compositions of France. The English stage can scarcely produce a single play, of which some, and generally many parts, are not either oppressively dull, disgustingly vulgar, or abominably licentious. The sensations of pleasure which are experienced in an English theatre are usually blended, with almost an equal portion of opposite feelings, excited at intervals, either by the manner or the matter of the performance.

This is not the case in the Theatre Français, with such a choice of entertainment, as that which I have specified, in the commencement of the preceding paragraph. All is in unison, and fitted to convey satisfaction,—both in the mechanical details and the intellectual exhibition. You have nothing that is below mediocrity or that is revolting, either from the author or the actor; but much to gratify the most refined taste, and elevate the most lofty imagination. The strictest attention is paid to congruity and decorum, in whatever appertains to the stage. The performers and the audience in this theatre, act, as if they respected themselves, and respected each other. To this rule there have, indeed, been exceptions, particularly during the revolution, but it is now rarely violated. The performer is allowed no loose speeches of his own, no lounging attitudes or farcical tricks; nor is he exposed to unreasonable interruptions, or injurious clamours from any quarter.

I must stop here, or you will scarcely have the courage to encounter more of my voluminous, and desultory epistles. I mean to treat the subject of the minor theatres and amusements of Paris, in another communication. Reserve therefore your patience for a further trial.

Thoughts on a Financial System adapted to the present circumstances, and future prosperity of the Union.

THE occurrences, during the present session of congress, are calculated, in more than one respect, to awaken an unusual degree of interest.

The chief magistrate of the Union, at the opening of the session, announced to the representatives of the people, the bad success which had attended every attempt to adjust, in a friendly manner, the subsisting differences with one of the great belligerent powers of Europe. He affirmed, that to continue any longer to negotiate, would be degrading; that no means were left, to vindicate our rights, and to support our honour, except an appeal to arms; and that it was, therefore, proper to put the country immediately in a state of defence, and in a warlike attitude.

The house, as usual, re-echoed the tenor of his message. The predominating sentiment, in most of the speeches delivered on the occasion, was the immediate necessity of repelling injustice by force, and of avenging the country's wrongs. Our interests, our rights, *our pledged faith to France*, it was contended, equally exacted this line of conduct.—Accordingly, the raising of a regular army, of twenty-five thousand men, was decreed: a body of volunteers, no less than fifty thousand, was to be immediately equipped: It was even contemplated, to create at once, a formidable navy. In short—appropriations, to the amount of upwards of ten millions of dollars, were made in a few weeks, and even the question was started, whether Canada, after the conquest of that province, should be annexed to the Union, or suffered to erect a government of its own, or be treated as a colony.

In the meanwhile the committee of ways and means called on the secretary of the treasury, for a report respecting the financial concerns of the Union, and the resources which might be resorted to, for the purpose of defraying the expenses of the projected campaign. The report was made, and had the immediate effect of abating considerably the military ardour of our legislators, and of allaying their thirst for conquest, which, before, appeared almost irresistible.

We shall not, at this moment, enter into the merits of the question of peace or war, nor examine whether the course, which events will probably take, affords a subject of regret, or

of congratulation. However this might be, we should, nevertheless, consider as very much to be deplored, the condition of a country, which could not, at any time, assert its honour, and maintain its rights, with promptitude and vigour.

We must certainly, as a general rule, take it for granted, that, whenever the representatives of the people choose to go to war, such a war is inevitable, honourable, and just. The reverse of this *may* occur—since deliberative assemblies are, unfortunately, as well as individuals, subject to be influenced by prejudice and passion. Still, however, that would be a preposterous doctrine, which should go to establish, in the impotence of the country, and in its absolute unfitness to repel aggression, or anticipate it by attack, a check against the bad consequences of a possible deviation by its rulers, from the path of sound policy, or political rectitude.

The true doctrine is, certainly, that which has been consecrated in the farewell address of our illustrious Washington, who expressly enjoins it as a permanent and fundamental maxim, *to avoid war by being always prepared for it.*—Robust health may sometimes render us too impatient of injustice; infirmity may induce a more careful attention to the dictates of prudence; but, who would, on that account, recommend a feeble and helpless condition, as the preferable state of permanent existence!

In general, weakness provokes insult and aggression. In general, wars last long in proportion as they are feebly begun, and languidly conducted. In general, they become ruinous and oppressive, proportionably to their duration. Generally also, they are the more calamitous, the more they interrupt the usual pursuits and regular industry of a nation; the more they force it out of its habitual attitude.

We are constrained, of course, to inquire—what, in this respect, is our situation? How are we prepared to meet the impending event?

In order to bring the nature of our situation, at once and forcibly, within the reach of intuitive perception, let us suppose Napoleon to have succeeded in his great object—the subjugation of Great Britain; let us suppose him, in the progress of his constitutional enmity to popular institutions, and popular governments—in his pursuit of universal empire, nay, in obedience to the laws of self-interest and necessity, to have collected his legions at Halifax and Quebec, commanded by a Ney, or a Massena, with the avowed purpose of invading the United States; or, what, perhaps, might also occur, let us suppose a Wellington, a Graham, at the head of a consi-

derable British force, earnestly intent on the same object—and then look at ourselves, and at our means of resistance!

Have we an army?—We are but slowly attempting to raise one.—Have we military commanders, military science, without which, in our days, numbers and valour are of little avail?—We can have none, because talents, like other commodities, appear only where they are valued, and we have slighted them. We console ourselves with the vague hope that chance may bring them forward.—Are we provided with the physical materials of war—arms, ammunition, ordnance?—We have bought, it is said, some sulphur: Saltpetre is now refining in Kentucky. Our armories, our founderies are at work. An additional twelvemonth, and we shall not be *badly* supplied!

Are our most exposed, and most important places in a proper state of defence?—The doctrine has been spread that our cities are nuisances, our strong holds—the forest and the mountain.—Have we a navy to afford at least a slight protection to our coasting trade?—We own a few ships, half rotten. We *think* of repairing them, and *talk* of building more. We had a squadron of gun boats;—they have disappeared.

Have we sailors to man a navy?—We had, not long ago, an invaluable body of forty thousand seamen. They are dispersed.—Can we boast of able naval commanders?—The country may be proud of those it has produced. Some cultivate the fields. Others are engaged in mercantile pursuits. Some still plough the *ocean* as *supercargoes*!

Are we strong in national spirit, which facilitates all undertakings, disposes to sacrifices, often supplies the want of talents, and is the hotbed in which they thrive?—There are professions of it in the newspapers of the party in power.—Have we a revenue?—The usual sources of it begin to fail. We have voted new taxes, *to commence with the war*.—Does public credit exist? Can we borrow?—It is said that the people abound with confidence in the administration. They also abound in wealth, but they have no money!

Such is the unexaggerated, strange state of things. To conceal it would be folly. It is best known to those who are, or may become our enemies. It is unknown only to ourselves. The contemplation of it, leaves the mind deeply impressed with the conviction, that our affairs, of late, must have been miserably mismanaged. What an undertaking, to expose all the errors, which have been committed; to develop the misconceptions and interests, from which they have sprung! Useful as this task would be, we cannot now think of attempting it.

But, we should conceive ourselves culpable, if we could refrain, at this important crisis, from subjecting, at least our financial concerns, to a more particular scrutiny.

This disquisition can hardly fail to excite particular attention, at a time when the occurrences of the day bring the subject so entirely home to our feelings; and it may, perhaps, be deemed particularly appropriate, when it is considered that we are only at the dawn of our political existence; that our duration as a people, as well as the character and rank, which, for ages to come, we may hold among the nations of the earth, will chiefly depend on the wisdom of our early institutions, on the correct structure of our fundamental polity; and that every political edifice, however brilliant and vast, must necessarily be frail, tottering, temporary, unless rising from the solid basis of a wise financial system—without which nothing nationally great and good can either be attempted, or achieved.

“In the actual state of civilized society,” says *Ganilh*, “public contributions are a portion of private fortune, yielded to government to enable it to provide for the wants of the body politic, and to secure to every citizen his individual, and social rights. Without a public revenue, no public power, no government: And again, without a government, without a public power, no security, no property. Take away the protection which government owes to individuals, in return for the contributions it receives from them; or suppress the contributions, which individuals pay in return for the protection they enjoy, and nothing remains but arbitrary power, disposing of all and respecting nothing, or anarchy, equally fatal.”

“Considered in their true light, public contributions imply a contract between government and individuals, the principle of their mutual relations, the basis of all political rights and duties, the true, if not the only, efficient guarantee of the social compact.”*

This being the nature of public contributions—the aggregate of which constitutes the public revenue—it is obvious that in ancient times, when they were discharged by personal services, or in kind, no correct system of revenue was practicable. If the contributions, paid by each individual, are the price for the protection he receives, then justice requires, that the price given should bear a due proportion to the value obtained in return. But people are vulnerable in proportion as

* *Ch. Ganilh, Essai politique sur le Revenu public. v. I. p. 272.*

they are possessed of property. He who has nothing to lose, is hardly a subject of protection. The contributions of each individual, therefore, to be just, ought to be commensurate with his means. How was this practicable as long as they could be discharged only by personal services, or in kind?

The difficulty has greatly diminished, and almost disappeared, since the introduction of money. A sufficiency of it among the people is, however, an indispensable concomitant of a good system of taxation. It is not enough that men are aware of their obligation to support the government, and willing to fulfil it. It is not enough that they are rich in produce and property. They must also have a convenient means of furnishing their proper quantum of contribution. They must have money.

It is further obvious, that the faculty of the people to contribute, is at all times limited. The object being security and protection, the price must not be ruin. But the exigencies of government are unequal. The body politic is sometimes so situated, that extraordinary efforts are required, in order to preserve its health and vigour. These efforts occasion extraordinary expenses. How can the funds for defraying them be provided, without defeating the ultimate purpose for which they are incurred?

There are but two modes. The gradual previous accumulation of treasure, in expectation of such emergencies; or, the firm establishment of public credit, on the basis of an ample revenue, and of good faith. A treasure supplies itself the funds when wanted. Public credit enables government to obtain them by means of loans.

The first mode, which was formerly pursued by wise and provident governments, is liable to three objections.

First. The use of the money may be wanted, before the accumulation is completed; or the emergency, which made it needful, may recur a second time, before the treasury is recruited.

Secondly. The sum accumulated may not be equal to the amount required, and may place government in the distressing alternative, of being obliged to choose between ruinous and oppressive taxes, or a sacrifice of the honour, and permanent interests of the nation.

Thirdly. The accumulation of treasure necessarily causes a large capital to remain unproductive, which therefore must be considered as idle, and lost to the country, while hoarded.

The second mode is not liable to any of these objections, and is therefore preferable. It is susceptible of being re-

dered adequate to any supplies the public service can require; and may, under a wise administration, be considered as inexhaustible.

The foundations of public credit—as has been observed—are an ample revenue, and good faith. An ample revenue is the result of a good system of taxation. The practicability of such a system demands, as an essential prerequisite, a sufficiency of a good medium of circulation; and the same is again necessary, in order to render public credit *efficient*. If government wants to borrow, it is not enough that it enjoy the confidence and good will of the people. These will be unavailing, unless a certain number at least, have by them, and can supply the circulating medium, the money,—of which government stands in need.

The whole business of finance—besides the general integrity of conduct, and the inviolate observance of good faith, always required—resolves itself, therefore, into the two following principal duties.

First. The introduction of a judicious and correct system of taxation.

Secondly. The regulation of the currency, or the circulating medium of the country, on such principles, that an adequate supply of it, for the exigencies of the nation, never shall be wanting.

Without doubt the execution of these duties ought to be simultaneous. We are obliged, however, to consider them in succession. We shall begin with the system of taxation; taking it for granted, during the discussion, that there is, in the country, no want of circulating medium for any desirable purpose.

But, while proceeding to develop the principles of a good system of taxation, with particular reference to the circumstances of this country—a task which has not before been attempted—we are almost overcome by the idea of the magnitude of the subject.—“The revenue of the state,” says Burke, “is the state. In effect, all depends upon it, whether for support, or for reformation.—As all great qualities of the mind, which operate in public, and are not merely suffering and passive, require force for their display, I had almost said for their unequivocal existence, the revenue, which is the spring of all power, becomes in its administration the sphere of every active virtue. Public virtue, being of a nature magnificent and splendid, instituted for great things, and conversant about great concerns, requires abundant scope and room, and cannot spread and grow under confinement, and in circumstances

"straitened, narrow and sordid. Through the revenue alone the body politic can act in its true genius and character, and therefore it will display just as much of its collective virtue, as it is possessed of a just revenue."*

We cannot pretend to do full justice, to a topic of such vast importance, in the short space to which we are obliged to confine our remarks. We shall be under the necessity of treating it in a very concise, and, as it were, aphoristic manner; and of contenting ourselves frequently with merely advancing certain positions, particularly if their correctness is obvious, or receives corroboration from the results themselves to which they lead. We shall not even dwell, any longer than is requisite in order to be understood, on such points of financial doctrine as we shall venture to maintain, in deviation from those laid down by some distinguished writers on this science. Our principal, if not our sole object, is to be useful; and, for this reason, we shall aim at popular perspicuity, more than at academical elegance.

The end and object of the social compact can be no other than the happiness of the people. The happiness of the people—politically—depends on multiplicity and security of enjoyments. Multiplicity of enjoyments on wealth; and national wealth consists in the abundance of good things.

This wealth must originate with the revenue of individuals; and individual revenue can only be derived from land, from labour, and from capital.

Without land, there could be no supply of food and raw materials. Without labour this supply would be scanty, in amount; indifferent, in quality; inconvenient for consumption, in form; precarious, as to its very existence. Without capital, the beneficial results of labour would be, comparatively, trifling.

There are *two species of capital*. The one, which we shall exclusively call so, is nothing else but *labour consolidated*; and *identified with the objects on which it was bestowed*. Such are all kinds of buildings, hedges, fences, dikes, bridges, roads, canals, ships, improvements of every description, books, tools, mills, utensils, machinery, &c. &c. The more of this accumulated labour, this *real capital*, a nation possesses, the more must the further exertions of its physical and mental powers prove productive.

The other species of capital, which we shall in preference

* Burke. Reflections on the Revolution in France.

call the circulating medium; is a tool of civilized society, invented for the purpose of transferring, and circulating the former. If *metallic*, and consequently possessed of intrinsic value, it constitutes at the same time a part, and an unproductive part of the real capital, which may be considered as by so much diminished. If *paper*, it constitutes no part of it, being, in itself, almost destitute of value, and merely exhibiting the *form of a contrivance to circulate substantial values*, or what is called property, *by means of credit*.

From these primary, and leading considerations, it follows that every system of taxation, which bears heavily on land, on labour, or on capital, by preventing, or impeding the accumulation of wealth, defeats the purpose of the social compact, is inconsistent with it, and should be rejected.

When people find that, without security, they are unable to exert themselves to advantage, and to acquire wealth; when they institute a government to procure them this security; when government must have a revenue to render it competent to afford it; and when taxes are laid to create the revenue—surely, the taxes themselves ought not to become destructive of that wealth, the acquisition and preservation of which the whole fabric is intended to facilitate. For, what difference could it make to the people, whether their substance were devoured by the beasts of the forest, or by invading hordes of savages, or by the *fisc*?

Taxes, though they cannot well bear directly on land, because merely as such it cannot be removed or destroyed, will bear on labour, when they become so heavy as to cause people to be badly fed, badly lodged, and badly clothed—for this situation cannot fail to put them out of heart. They will bear on capital, when they cannot be satisfied without an alienation of property, always more or less attended with destruction and waste. They will bear on capital, also, when their amount is so great as to cause all the produce of land, labour and capital—that is, the whole revenue of an individual—to be absorbed by expenses of subsistence and taxes; because it is the nature of capital to wear and diminish, if not constantly recruited.

Hence then results the fundamental principle of taxation, which is, that the amount of taxes, levied on each individual, should never exceed that proportion of his revenue, which he may be able to spare, without encroaching on the means of his subsistence; and that there will be the less danger of their proving prejudicial to the increase of wealth, the more revenue they leave applicable to the purposes of recruiting, and accumulating capital.

A public revenue, insufficient to enable government, fully and energetically to compass the important purposes of its institution, is not conducive to general prosperity. Wealth may be acquired, but its tenure will be precarious. More will be lost by the innumerable evils, which never fail to spring from a feeble, languid, and financially embarrassed administration*—evils often terminating in confusion and ruin—than is saved by the lightness of the taxes. Besides, many of the expenditures of a good government, such, for instance, as arise from facilitating intercourse, by means of canals and similar improvements, are themselves converted into a most productive national capital; whilst others, such as are, or ought to be, incurred for the regulation, extension, and protection of commerce, for the promotion of education and science, for the creation and preservation of a national spirit, &c. will have a powerful influence in rendering industry more enlightened and more productive.

A public revenue, on the other hand, larger than is necessary for the complete attainment of the national purposes, for which it was established, must obviously tend to retard the general prosperity, and this tendency will be the greater, the more injudiciously the excess is applied.

The object, consequently, to be kept in view, is to provide a revenue, amply sufficient for the exigencies of the state, and yet, as far as possible removed from being oppressive to those, on whom it is levied. To devise the mode, best adapted to the accomplishment of this object, is by no means easy. "It is, therefore, not without reason," says Burke, "that the science of speculative and practical finance, which must take to its aid so many auxiliary branches of knowledge, stands high in the estimation, not only of the ordinary sort, but of the wisest and best men; and as this science has grown with the progress of its object, the prosperity and improvement of nations has generally increased with the increase of their revenues; and they will both continue to grow and flourish, as long as the balance between what is left to strengthen the efforts of individuals, and what is collected for the common efforts of the state, bear to each other a due reciprocal proportion, and are kept in a close correspondence and communication."†

But in what does this balance consist? When is it that a tax encroaches on the means of subsistence?—Whenever it does not leave free, say the learned, a sufficient portion of individual

* "Nothing turns out to be so oppressive and unjust as a feeble government." Burke, Reflections, &c.

† Burke—same work.

revenue to defray *necessary* individual expenditures.—And what expenditures are *necessary*?—Those required for food, for shelter, for clothing.—But, what food?—Meat? potatoes? grain? and, if grain, manufactured into flour, or bruised? What shelter?—A stone house, a log house, a mud house, a hollow tree? What clothing?—A cloth coat? a blanket? a sheepskin?

The inevitable want of precision in the verbal import of the principle, vanishes on adverting to its origin and intention. We generally find that people are apt to encroach upon their capital, when their revenue is not sufficient to defray the expenses, caused by the acquisition of those necessaries, conveniences, or comforts of life, to which, from education and habit, they have become accustomed. Whenever these cannot be had—they suffer. They must submit to painful privations—which is want—or spend their property. In either case the tax, causing this state of things, is injurious.

The question next occurs, how is the principle to be applied?

As taxes are to be defrayed out of individual revenue, or income, much stress has been laid, by those, who have taken most pains to investigate this subject, on the distinction between taxes which bear on capital, and taxes which bear on income. Montesquieu, Stewart, Smith, the Economists, Ganih, Say, &c. bestow many pages on this point. All agree in condemning the former description of taxes, and approve only of the latter.

But, however fully we are convinced of the correctness of the principle, that taxes prove injurious whenever they affect capital, instead of income, we cannot, on that account, attach much importance to the distinction just mentioned. The object on which a tax is laid, is one thing: the fund, from which it is discharged, is another. A tax on ploughshares, on seed-eorn, on tools and machines of every sort, on bank stock, &c. would not cause those things to be sold, in order to pay the tax. The amount would be taken from income, whenever conveniently within its compass. Even a tax on successions to real estate, say to the amount of one fourth of its value, would not cause the new proprietor to dispose of the fourth part. He would raise the sum required, on the security of the whole, and discharge the loan by degrees out of his revenue. On the other hand, a tax on the annual produce itself of an estate, if it took away too large a proportion of it, to allow the proprietor to live, in his usual way, on the remainder, would, probably, induce him to run in debt, that is, to encroach on his capital.

This distinction, therefore, however much dwelt upon, is of no practical value, and does not advance us a single step in the solution of the problem under examination. The consideration of it only affords additional strength to the maxim, That all taxes, of whatever denomination and form, must prove prejudicial to general prosperity, when they trench too far on individual revenue. Still more when the amount demanded permanently exceeds it.

Some writers have also pretended, that the wages of labour should remain exempt from taxation,* because taxes must not encroach on the means of subsistence.

But, are in our times any of those, who derive their living from the wages of labour, reduced to what may be termed the mere physical necessary? Is not, particularly in this country, the faculty of earning wages equal to a productive estate? Are not those, whose labour procures them a comfortable existence, indebted to the state for security and protection, and for the enjoyment of the advantages, which spring from a well regulated government, and from civilization?

All, who enjoy an individual revenue, however derived, ought to contribute to the public revenue; but no one more than his share. *The greatest attainable justice, in the distribution of the public burthen, is the most essential feature in a good system of taxation.*† It is so essential, that in a system, whereof it forms the *prominent character*, all other considerations may be said to be of a subordinate, or merely theoretical, importance: Because, there is very little danger, that the exigencies of the public, *thus* distributed, will ever encroach on the means of subsistence and on capital, if government understand their business, and do their duty.

Another feature of a good system is, that the taxes laid be of an easy, cheap and convenient collection;—because they will then be attended with the least vexation to those, who have to pay them, and with the least loss to the public.

Another—that they be amply, and uniformly productive;—because the less they are so, the more it will be requisite to multiply, the oftener to change them; and the greater their number, the greater the difficulty of a just distribution; the greater, and the more justifiable their unpopularity, the more expensive and vexatious their collection.

Another—that the amount of the tax, levied on each contributor, be precise and definite,—not subject to the arbitrary decision of taxgatherers or assessors;—because the justice of

* Stewart—Political Economy, vol. i. Ganilh—Essai Politique, &c. vol. i. p. 313.

† Adam Smith. *Wealth of Nations*. Book V. ch. ii. p. 2.

the distribution becomes the more endangered; the more is left to arbitrary assessment. The fear of being wronged will make the tax invidious; productive of discord; inimical to social order.

Another—that the tax do not embarrass, or impede circulation;—because free circulation of commodities is essential to trade; trade essential to division of labour; division of labour essential to its productiveness; and productiveness of labour essential to wealth. The *alcavala* of Spain, a duty levied on goods, whenever they changed hands, nearly put an end to all internal commerce, checked industry, and ruined the country.*

Another—that the taxes possess a degree of flexibility, sufficient to adapt them to change of time and circumstances;—because the more they possess this characteristic, the less frequently will the financial proceedings and measures require innovation. Could a system of taxation be so contrived as never to require any; could it be engrafted upon, and made part, as it were, of our federal constitution, it would obviously be an inestimable advantage.

Finally—taxes should rather have a moral, than an immoral tendency. High duties on imported articles, tempt to smuggling; high internal taxes on consumption, stimulate ingenuity to defraud; and deviation from moral rectitude, any how induced, becomes habit. But, we should be careful not to commit a mistake, in endeavouring to accomplish an opposite purpose. It is thought that high duties on ardent spirits check a prejudicial consumption. The secretary of our treasury, on this account, conceives them to be one of the most eligible objects of taxation.† The fact is, however, that, in this country at least, not fewer drams will be taken on account of a high duty on spirits. It will only cause retailers to become cheats; and the common people to be poisoned with bad liquor.

Such are the principal features and characteristics of a good system of taxation. But to which system—susceptible of being put in practice—do they belong?

There have been invented two principal descriptions of taxes.—Taxes on consumable articles, called *indirect*; and taxes on land, and persons—called *direct* taxes.

The former constitute the greatest proportion of the taxes,

* D. G. Ustarist. *Théorie Prat. du Comm. d'Esp.*

† Report of the secretary of the treasury to the committee of ways and means, of the 10th January, 1812.

paid in Great Britain, and in this country. They have been, more or less, introduced all over Europe, and they are strongly recommended, particularly by late French writers, as preferable to all others.

"The honour of this discovery," says *Ganilh*, speaking of indirect taxation, "belongs again to chance, and not to human wisdom. The importance of it was not felt, till the science of political economy taught the laws of the formation, the distribution, and the consumption of riches, and pointed out the influence, of the several modes of taxation, on the increase of national wealth. Then the advantages and inconveniences, attending them, were compared, and, from this comparison resulted the *absolute preeminence*, of taxes on consumable articles, over all others."*

It will, therefore, be proper to enter into a more particular examination of their merits and demerits, chiefly with a view to their operation in this country.

They are of two descriptions.—Some are paid on foreign goods and commodities, when imported. These are more strictly called duties, or customs.—Others are paid on consumable commodities, produced, or manufactured at home. These are called indirect, internal taxes.

Both seem to have in common the advantage, that they apportion themselves to the revenue of those who pay them. It is chiefly on this account, that they are so much extolled by the writers on political economy.

Their claim to preference in this respect would be perfect, if the expenditure of people were always in exact, or nearly in exact proportion to their revenue. But, though it is true that, generally speaking, people will not spend more than they earn, and very seldom all that they earn, yet, it does by no means follow, that they will always increase their expenditure, progressively with the increase of their income. On the contrary, most men who acquire fortunes, persevere in the original habits of frugality, often of parsimony, which led to the acquisition. The authors on this subject seem to have been much more solicitous, that all taxes should be defrayed out of individual revenue, than concerned that all the individual revenue, which the state *assures*, should pay its *due premium*.—Even in Europe, where decency and fashion have prescribed a certain style of living, to people of a certain income and rank, consumption is far from keeping an even pace with the individual means of consuming. It is infinitely less the case in

* *Ganilh*, same work. vol. I, p. 411.

this country, where, comparatively speaking, great economy prevails among the wealthy, and great profusion among those in moderate circumstances. Many rich farmers, in the interior, rich enough to suffer their wheat to be eaten by the rats rather than be sold under a certain price, hardly consume any commodities, not produced, or manufactured, on their own premises. Consequently, under our present system of taxes, they pay nothing to the state. In our cities, the greatest number of those, whose revenue exceeds six thousand dollars per annum, spend no more than those whose revenue does not quite reach this sum.

In a country like England, of moderate extent, of a compact population, of a similarity of condition,—with regard to soil and climate, approaching to equality; of the same manners, the same habits, and the same prejudices throughout, taxes on consumable commodities may operate with some degree of fairness. But it is vastly different in the United States, comprising—within a single empire—all the physical and moral diversities of the whole continent of Europe.

What is the consumption of woollens, in the states of Massachusetts and New York, compared with the consumption of the same kind of goods in South Carolina, Georgia and Tennessee, making allowance for the difference of population! What the consumption of sugar, coffee and tea, absorbed by a given amount of individual revenue in the northern states, where young and old, rich and poor, are in the habit of using these articles, when compared with the consumption of the same commodities caused by the same quantum of revenue in the slave states? And may not the same remark be extended to all others? Do not greater sterility of soil, and greater severity of climate, multiply wants of every description? Is not the unequal operation of such taxes, arising from difference of soil and climate, still further increased by the prevalence of slavery in the states of the south? Yet, the exportation of cotton—which is the produce of the southern states alone—exceeded, a few years ago, in value, by nearly three millions of dollars, that of any other species of produce exported from the Union!

But, if this inequality of operation may already be animadverted upon with propriety, though taxes on consumable commodities are now only paid on such as come to us from abroad, how much more would they not become obnoxious to censure if they were generally extended to those, which may be called domestic! There is hardly a consumption of magnitude which is not more or less local, more or less confined to

a certain description of people alone, and the value of the domestic commodities in particular, which are consumed by the more wealthy classes, is far from bearing a just proportion to their revenue, though the amount of them consumed generally, may be considered as within the revenue of those who use them.

What a mistake, for instance, would it not be to think of laying a tax on houses, when even the day-labourer to the northward must have a good one, while thousands to the South may be said to live almost in the open air. Malt and beer are articles of consumption, almost peculiar to a few of the states. Ardent spirits, distilled at home, are never used by the rich. Hardly a carriage rolls in Georgia and Louisiana, though in the latter country proprietors whose income exceeds ten thousand dollars per annum, may be counted by hundreds. Even salt, leather, candles, soap—deemed articles of the most general consumption—could not be taxed in this country, without affecting individual revenue differently in almost every state. The one last mentioned, of which the consumption with us is so great, is hardly thought of by the population on the banks of the Mississippi, on account of the superior softness of the water of that river.

Indirect taxes, therefore, viewed in reference to equality of operation, and a just distribution of the public burthens, are *every where* liable to the objection, that they leave a great proportion of the revenue of the wealthy unaffected, who, consequently, receive their ample share of security, protection, and national blessings of every sort, at a reduced price. Taxes of this description would, *in the United States*—were this system extended, and relied on as the principal, and permanent basis of public revenue—present such insurmountable difficulties to the paying a suitable degree of regard to the important considerations just mentioned, that a secretary of the treasury, though unremittingly in search of information over the whole continent, and employed in modifying and multiplying his taxes accordingly, could not, with all his pains and labour, avoid a constant recurrence of gross and flagrant violations, of the most essential principle of a good financial system.

Viewed in reference to cheap and easy collection, there is a remarkable difference between the two kinds of taxes on consumable commodities—duties on commodities imported, and domestic duties.

The former certainly present no difficulty on this score, and are, so far, justly recommendable. The business of the customhouses is neither expensive, nor annoying, nor does it

prove injurious to circulation. Commodities, once entered, may afterwards be dispersed in every direction. The credit, given to the importers for the amount of the duties, prevents heavy advances on their part, and the regulations with regard to drawbacks, secure the interests of the carrying trade. The customhouses also become the means of important, and accurate information respecting the commercial relations of the country with other nations. For this, and for some other reasons, which will be mentioned in their place, it is desirable, that moderate duties on importations, should be retained, whatever taxes may be adopted besides, as a more permanent reliance.

On the other hand, the collection of internal, or domestic duties, on consumable commodities, is not only attended with great expense and inconvenience, but with formidable embarrassments, and they are again, for this reason, liable to the most serious objections.

The difficulties which occur in the levying of taxes, arising from an unavoidable interference with private pursuits, must, necessarily, increase in proportion with the extent of territory, over which the population is spread, from which the contributions are to be obtained, and with the diffusedness of that population.

In England, distilleries, breweries, tanneries, and manufactories of every description, are mostly large, and conspicuous establishments, which cannot escape the observation of the revenue officers, and at which the proceeds of the taxes imposed are received in considerable sums. A single officer is adequate to an extensive collection, and the highly improved state of the country, makes the accumulation, and transmission of the sums received, safe as well as easy.—In France, and other parts of the European continent, the circumstance of the population, belonging to extensive tracts of territory, being condensed in villages, which form so many detached spots, where the pursuits of industry centre, must infinitely facilitate the business of the taxgatherers. Yet, so great is in this respect the advantage of England over France, that the expenses of collection in the former country do not exceed six per cent., though in France they amount to upwards of sixteen:*. A difference, which to *Ganilh* appears so inconceivable, that he is disposed to ascribe it to the possession of some particular art,

* Sir F. D'Ivernois, whose authority is to be relied on, estimates them at 20.

or secret in England,* though it arises, obviously enough, in great part, from the difference of labour and risk, with which the collection of taxes is respectively attended in the two countries, and from the general superiority in the one, of the arrangements for the despatch of business of every description. We admire in England her solitary machines, which can be measured with the eye; but we are apt to forget that the whole country is a machine, organized in an admirable style, where great effects are produced by slight efforts.

In the United States, labouring in this respect under disadvantages still greater than those which are experienced in France, a thin population is spread over a country vast in extent. All our manufactures are, more or less, of a household character. Most of them form secluded establishments, scattered in every direction, and chiefly supported by the custom of their own neighbourhood. They will preserve this character, as long as the country shall continue to manufacture for home consumption, more than for exportation. Whether the internal taxes on consumable commodities were levied on the manufacturers, or on the retailers—the two modes which experience has proved to be the least objectionable—it would equally require innumerable officers, multitudes of taxgatherers and inspectors, mercenary informers, domiciliary visits, fines, prosecutions—endless trouble and expense on one side, endless vexation and discontent on the other. Our people are so much accustomed to entire independence, and so absolutely exempt from all molestation at home; every man is so perfectly unshackled in pursuing his own business, in his own way; the blessing of this state of things is so great, and the alteration of it would be so severely felt, that a new system of taxes, such as we are now considering, would not fail to make people reflect at least, on taxes and taxation. They would soon discover that this description of taxes operates unequally between neighbour and neighbour, county and county, state and state, and still more so between the greater sections of the Union. If the result of these reflections should not be disaffection to the established order of things, they would nevertheless more and more acquire the disposition to consider taxes as evils, as impositions, as pecuniary punishments, and all their ingenuity would be exerted to elude the payment of them. In order to counteract this disposition, and secure the revenue, it would be indispensable to give a considerable degree of authority to the taxgatherers, which, inevitably, would often

* Ganilh. Same work, vol. I. p. 451.

be abused, and employed as a cloak to cover the indulgence of personal resentments, or the furthering of private views. Thus the new taxes would prove a fruitful source of corruption, and carry in their train a sort of intestine war, inquisitorial vexation, *espionage*, domestic uneasiness, breaches of confidence—baseness and immorality of the worst description!

It is curious enough that *Ganilh*, after having accorded to taxes on consumable commodities, a decided preference over all others, concludes—when considering the difficulties attending their collection, and the discretion which it requires to be left with the revenue officers,—that notwithstanding the approbation to which they are in every other respect intitled, “they ought to be carefully rejected in all absolute governments, and only suffered in countries, where the power of government is limited by law,”* because he thinks that in these, the power of the subalterns, which in the former never fails to assume an arbitrary and despotic character, is not so likely to be abused.

The people of the United States are more free than any on earth, but so little accustomed to revere authority, or to bear control, that, the system under consideration would prove perfectly nugatory as to the purpose of revenue, unless considerable power were entrusted to the officers charged with the collection.

Besides the unequal operation of internal taxes on consumable commodities, the evils attending their collection, and their immoral tendency, there is also a difficulty in proportioning them to the quality and value of the commodities, on which they are laid. They are, moreover, far from being uniformly productive—because consumption is subject to constant changes—and, although flexible, inasmuch as they may be extended to every imaginable article, yet, this flexibility constantly requires new regulations; incessant legislative watchfulness and interference.

The duties on imported commodities, though not liable to the most weighty of the objections just enumerated, still labour in a high degree under that, of not being uniformly productive. They comport particularly ill with the use of a modern weapon of defence,—peculiar to the United States,—we mean selfblockade, or *embargo*. Their productiveness is even seriously affected, by that national discipline, called *non-importation*; and is liable to be totally destroyed or at least reduced to insignificance, by an actual foreign war, particularly when

* *Ganilh*—same work, vol. i. p. 457.

the want of a navy, as in our case, puts all effectual protection of commerce out of the question.

A revenue depending on this description of duties, under circumstances such as ours, *fails* at a period when it is, more than at any other, desirable that it should be steady and ample. However expedient it may therefore be, to retain these duties, on account of their convenience, their productiveness in ordinary times, and the collateral advantages attending them, yet it cannot be considered otherwise, than in a high degree improvident, to rely on them exclusively, or even principally.

Since war, as we have observed in our introductory remarks, becomes heavy, in the onset, and oppressive, in the continuance, in proportion as it changes the ordinary attitude of the nation; a government, anxious to preserve its dignity, and its usefulness; anxious to cause itself to be respected abroad, while it affords security and protection at home, should studiously guard against the contingency of being obliged to resort to untried taxes at such a moment. It is precisely on its ability to act with promptitude and energy in the beginning of a national contest, that the short and honourable termination of it mostly depends. The mere knowledge—as it respects either of the parties concerned—that this ability exists, has always a powerful influence on the issue of previous negotiations, and sometimes alone suffices to preserve peace. Now, there can be no ability to act with promptitude and energy, without financial power. Financial power, in such emergencies, solely depends on public credit. One of the principal foundations of public credit, is a revenue steady and ample. But, how can this be steady, when its main source necessarily dries up on trying occasions; or how can a confidence be entertained in the means of government for preserving it unimpaired, when those means depend on the popularity and productiveness of new taxes, to be newly organised, in such a country too as ours, at such a juncture!

Indirect taxes on consumable commodities have also been extolled, as being discharged, by those who finally pay them, unintentionally and without their knowledge. “All public contributions,” says a late writer on political economy, “are debts of a vexatious nature, because the value for which they are contracted, the protection of government, is a negative benefit, of which we are little sensible. A good government is precious, rather on account of the evils from which it exempts, than on account of the enjoyments which it procures.” “In paying the price of a taxed commodity,” he adds, “we do not think of paying for the protection of government,

which interests us not; we only think of paying for the commodity, the possession of which we desire.”*

We find this observation natural enough in a writer, who uniformly considers taxes as unavoidable evils, as pecuniary punishments. And it may be difficult for an author in France not to consider them in this light;—for the native of a country, whose financial history is a long and disgusting tissue of abominations; a country, where the accumulated iniquities of ages, the huge capital of national wrongs, renders perhaps impracticable any other than inimical relations between the people and their rulers. But with us, living under a constitution, framed for the happiness of all, freely adopted by the people, and really exhibiting, to use the language of Smith, a great partnership concern—where every one draws his share of protection, according to the property he has at stake†—with us a similar idea should never be suffered to obtain. The price we pay is trifling for the value we receive in return, and we deem it more consistent with the genius of a free, and republican form of government, that this price should bear the character of overt, and intentional contribution, than be obtained from the people, as it were, by stealth.

It is essential to the very duration of our political institutions, that the people take a lively interest in public concerns: That they be not indifferent, in relation to the particular men, by whom the government is administered: That they attach due importance to elections, and learn to judge for themselves. For the accomplishment of all this, it is material that the administration of the national concerns should cost them something, and that they should know what they pay.

We were once acquainted with an honest magistrate in Europe, who was anxious to improve the condition of society by attending to the education of the poor. Schools were erected in his district; able teachers appointed; and the people invited to send their children, free of expense.—Very few came! Indignant at his bad success, he laid a small school-tax on all boys and girls of a certain age, which was rigorously levied. Immediately the school began to fill.—For the advantages

* J. B. Say. *Traité d'Economie Politique*, vol. i. p. 509:—a book in which a great many acute and correct remarks are interwoven with much false reasoning, and in the composition of which, the love of *quaintness* seems frequently to have overcome the love of truth. The author seldom fails to enforce the truth, when it happens to be novel; but the main object of his discussions seems to be the “*frappant*.”

† We allude to the excellent theory of the constitution;—not to the manner in which it has been administered of late.

offered them, without a charge, the people cared nothing. But they were unwilling to pay their money, without taking a value for it in return.

Such is human nature. If you want republicans—foster public virtue. This, like every thing else great and good, seems to originate in the sacrifice of contracted, and selfish interests to a common cause, or, to the general principles of morality, which are the cause of mankind. The nearer the common cause can be kept in view, the more readily will the sacrifice be made; and again, having made the sacrifice, we become more attached to the cause. The zeal of sectaries, and often their virtue, disappear without martyrdom or persecution. We value not, what we obtain too cheap.—How then can the cause of a good government, the great common cause of the country, be brought home to the feelings of the mass of the people, except by undisguised *contributions for support, derived from all!*

Besides—it is not enough that government bestow on the people negative blessings; that it be valuable, as *Say* mentions, principally by reason of the evils from which it exempts them. One of its chief duties is to create, and to keep alive a national spirit; a duty of magnitude, and the more important with us, as local interests have so strong a tendency to overbear those of the Union. Might it not be hoped that this duty would be less neglected, than it has been of late, if a revenue, arising from direct contributions, made it the interest of the men in power often to remind us that we have a country? An army is an inefficient mass, unless possessed of an *esprit de corps*;—a people, a mere herd of men, a sorry aggregate of individuals, unless animated by a common soul, unless cemented together, and dignified, by *national feelings*. But, to the very existence of these,—*national objects* are requisite. National altars, should have their national gods. Those who collect materials for the annals of the country, should always have to record a succession of noble achievements, either of peace, or of war. The daily history of the country should never be suffered to flag. Individual self-love should never want an opportunity of identifying itself with national honour.

Another practical advantage which has attended internal taxes on consumable commodities in Europe, but which is not one that ought to recommend them to us, consists in the circumstance, that, by taxing only certain commodities at a time, the people were burthened gradually, and the evil was guarded against, of exciting universal discontent and resistance, by a sudden and universal pressure.—With our frugal government

the public supplies can never become oppressive, as long as their amount is equitably distributed, and our people, treated as they ought to be, will never refuse to furnish them.

It has been said that the weight of these taxes, provided they are steady, will, by degrees, divide itself equally among the whole population, however unjustly distributed at first; that in drawing blood from an arm, it is not the limb we impoverish;*—and that a minute attention to principles, in laying taxes, is therefore unnecessary.

There certainly exists in the body politic, as in our physical constitution, a very energetic "*vis medicatrix*,"—a healing, and preserving power, without which it would infallibly perish, much sooner than it generally does, under the pressure of the enormous mass of political sins, which we see daily committed. But this power will be infinitely less operative, in an extensive, diversified, thinly settled territory, such as ours, than in the compact communities of some of the highly civilized countries of Europe. The knowledge, that there is such a power, may afford consolation under existing evils. It may also render us cautious in attempting sudden, and partial innovations,—often abortive in the attainment of their object, always painful in the execution. But it does not justify a wanton disregard of sound principles. On the contrary,—since a bad regimen becomes the more difficult, and dangerous to change, the longer it has continued;—since it can hardly be imagined, that with it the same degree of vigour, durability, and intrinsic health, could exist, as with a good one;—we should be the more careful how we contract political habits and modes of existence.

This description of taxes, therefore, however much they have been extolled in Europe, and however recommendable in countries badly organized at first, where the introduction of a better system could not be attempted without great hazard,—are, nevertheless, highly objectionable in themselves, and particularly unsuitable to us. If the financier, at the head of our treasury, if congress have no nobler aim than merely to despatch the business of the day, to preserve a place, or to gratify national antipathies, they may continue to tax salt, and carriage-wheels, and whiskey; they may proceed next to tax windows, and bricks, and soap and leather; they may even tax cropped heads—hairpowder being out of fashion—and seek popularity by showing a marked respect for the long queues of our waggoners and farmers, but, with such taxes, what will

* *Candide*—Principes d'Economie Politique.

become of *principles*, and *consequently*, what, in progress of time, of the *Union*, in a country stretching over millions of square miles, encompassed by frozen regions and the torrid zone, comprising every soil and every climate; where steam-boats are now making transalpine districts maritime; where the general physiognomy and attitude of things are constantly changing!

The conspiracies most to be dreaded among us, are those of shortsighted party views, within the hall of congress. Our worst treasons are those hatched in the caucus-rooms, whence arrogance and conceit thrust upon the nation a body of men, inadequate to the stations they fill.

The political organization of this country has been more the result of thought and intellect, than that of any modern nation on record. The people are singularly susceptible of improvement. The political surface of the state still presents, in some measure, a *tabula rasa*, on which the first outlines only of the future edifice, have been traced with an enlightened, bold and masterly hand. Under advantages so unusual, no ordinary ends should engage the attention of our public men. Place and emolument, and fleeting popularity should have no weight. All merely temporary purposes should be discarded. Expediency should always yield to final and permanent effects. The expression "even with these taxes the people will not be burthened nearly as much as they are in other parts of the world,"* ought to be deemed most unworthy of an American financier, whose mind should be under impressions, and filled with views, such as totally to exclude so paltry an apology for such paltry taxes.

"What are the predominant, characteristic features in this political family? What are the essential conditions of its duration, prosperity and power? How would the framers of our constitution—who first gave this political fabric shape and form—wish it to look in two or three centuries hence? How does the measure, I contemplate, comport with the ultimate, and permanently desirable state of things? How far will my conduct serve as a general rule? my system as a code? Will this description of taxes, if applicable without much inconvenience to our present population of eight millions, suit equally well a population of fifty or one hundred millions? Is the movement, I am going to communicate to the political machine, sufficiently simple to extend itself in uniform, beneficial operation, from the capitol to the Pacific; from the St. Lawrence to the

* See Treasury Report, quoted above.

Gulph of Mexico? Will it adapt itself to time, as well as to condition and to space?"

Such are the questions we could wish our public men to ask themselves, on every important occasion; and such the tests by which, in our opinion, they ought to judge of the propriety and merit of their proceedings!

If applied to the introduction of internal taxes on consumable commodities, it is obvious that these taxes ought to be rejected.

We have next to consider the nature of *direct* taxes, laid on *land*, or on *persons*.

Nothing is more common in the works of those who have pursued thinking, and writing, as a profession, than egregious errors, supported by a great display of ingenuity, and learning; but it has not often occurred, that the *worst* idea, the *worst* plan, that could be conceived, has been held forth, and for a length of time, and by whole bodies of wise men, as the *best*. Yet, this *has* occurred. Many thousands have perished in the small pox, smothered with heat at the command of the most celebrated physicians of their age, and among them were several princes of the present imperial family of Austria, one of whom died with this disorder, literally encased in forty yards of English flannel.—*Davenant*, and the Economists, have pretended, that the tax on land was the best of any, and ought to be the only one in use. It is difficult to say whether the medical, or the financial tenet, had the pre-eminent claim to absurdity.

Even if it were true that a tax on land will diffuse and distribute itself, eventually, among all the members of the community, because, as it is said, whoever lives, must needs consume, and all articles of consumption come from the earth, and the tax assessed on the earth will inevitably incorporate itself with the price of produce; yet the earth does not finish with the boundaries of an empire, and the taxed producer will keep his produce on his hands, unless measures are taken to prevent foreign competition. Thus the land tax, which is, under the system of the Economists, to be the only one, calls, in the outset to its aid a tax on importations, or else a relinquishment of foreign commerce.

Even if it were true that the amount of the tax necessarily incorporates itself with the price of produce; yet it would not follow that all persons must necessarily consume in proportion to their income. Thus this tax, which is to be the most simple and easy,—in order to be reconciled to strict justice, would further need the aid of a formidable body of novel laws, which

moreover could never be executed. It would be requisite to impose on each individual the necessity of purchasing a given quantum of all commodities, whether he wanted to consume them, or not, as in France formerly, for revenue purposes, every one was taxed by law for a certain quantity of salt, whether he had consumed it or not.

Without such laws, there could be no just distribution of the public burdens. Even these laws, could they be executed, would prove nugatory with regard to the necessaries of life—which form so considerable a proportion of the general produce—because their increased price would in this case, still diminish consumption, which is limited by the faculties of the consumers to purchase. Thus the producer would himself be obliged to bear the weight of the tax, or else have part of the produce rotting on his hands, or else raise less—all of which are only different modes of exclusive suffering.

Again—how could the tax be assessed? How proportioned to the immediate and ultimate value of the things produced?

Land, with the Economists, includes the waters that wash it, and the mineral riches in the bowels of the earth. How is the fisherman to be taxed, whose produce, if not quickly disposed of, spoils in his hands, and the value of which never improves? How the miner, who brings to light the lumps of iron ore, of so little value at first, and yet, perhaps, finally exchanged for its weight in gold, in the form of steel buttons. What equitable tax could, in this instance, be levied on the produce of the raw material, so as to cause the final consumer to pay a contribution commensurate with his circumstances?

If the final consumption, of the ultimate value, bear a proportion to the means of the consumers, and the contribution of these is to be in proportion with their means; the producers, and all the intermediate hands between them and the consumers, should be possessed of nearly equal means, in order to be able to advance the amount of the tax. If they have not these means, the tax will crush them.

It would be useless to pursue the subject further. As a tax in the sense of the Economists—that is, as a tax superseding all others—a land tax, though many volumes have been written on it, is scarcely deserving of a thought.

But, even as an auxiliary tax, it is liable to great objections.

Strict justice is unattainable in the assessment, and the arbitrary character, consequently attending it, seldom fails to prove a fruitful source of dissatisfaction, and discord. In order to prevent it from becoming oppressive, it is necessary to make it very light. Hence it can never produce a considerable

revenue. The collection of the proceeds in *kind*, is destructive of the interests of all parties concerned; and if the proceeds be collected in money, this causes great delays, embarrassments, and expense.

In England, where a peculiar dispensation of Providence, or rather, where a happy national instinct, has so frequently led to truth and wisdom, the assessments take place, on the basis of evaluations, made during the reign of king William, which have been retained ever since; and, by adhering to the soil, like one of its properties, whether just or unjust at first, have become practically just in the course of time, through the process of sale and transfer. In France—where even talents—philosophic, political, or military, in those at the head of affairs, have seldom failed to prove a source of annoyance and oppression—*new* assessments without any fixed basis have been resorted to almost yearly.* Hence rational calculation has become impracticable in the first of all pursuits, and peace and security have been banished, even from the plough.

Were a land tax to be generally introduced in the United States, the great variety of soil, the ever changing state of cultivation, would render unavoidable the most flagrant violations of justice, or the lamentable evils, necessarily attending assessments, frequently renewed. What a difference must there not be in the produce of estates, not long ago cultivated in corn, now in hemp; or, not long ago in indigo and rice, then in cotton, next perhaps in olive trees and cane.† How great a difference even in the value of the same produce, in consequence of progressing civilization! Wheat, not long ago, beyond the mountains hardly brought a price, because it had no market. But the introduction of steam mills, already affords an opportunity of giving it a form, suitable for distant exportation, and it augments in value.

Land taxes should be totally abandoned in this country, or, at most, reserved for small, local purposes. They never can become a fit instrument of revenue in the hands of the general government.

With regard to the *direct personal tax*, Ganilh observes, "that, if it could be assessed and apportioned conformably to certain and well established principles, if precise and positive

* Ganilh, same work, vol. I. p. 361, and 368.

† This cultivation is now attempted, and with a prospect of success, in Georgia.

rules could be laid down, an adherence to which would secure, beyond the possibility of violation, a due regard to the wants, and circumstances of the people; then it ought to be exclusively in use, and take the place of all others; because it goes straight to its object, which others can only attain partially, by indirect and incautious means.”

After this eulogium, as just as it is forcibly expressed, we should have expected that the author would have considered the tax under every possible combination. Influenced, however, it may be presumed, by the situation of his own country, by that of the great communities with which it is immediately surrounded, and probably thinking it useless, to subject to a more particular examination, a description of taxes, the introduction of which at home, on rational principles, seemed to be out of the question, he pronounces at once, “that there exists no method of appreciating individual revenue, and of distinguishing, what portion the state may take for public exigencies, what must be left to the people to subsist on, and for the purposes of recruiting, and augmenting capital.” Conformably to this assertion, he insists that such a tax is of necessity arbitrary throughout, and finally condemns it as retarding wealth and civilization, and therefore to be rejected by every enlightened politician.

The same sentiment, prevails more or less, with all European writers on finance. But, throughout their works, also, a tone predominates, which shows that they had constantly before their imagination a population already limited by misery; a vast mass of labouring people, existing in a precarious state, all ignorant, and, from circumstances, incapable of improvement; and that they, consequently, wrote under impressions, which make it proper for us to receive their doctrines, with a considerable degree of distrust, and hesitation. This prudential rule is the more important, as all political measures of a permanent character ought to be viewed, not merely in reference to their immediate object, but also in reference to that state and condition of society, which, in their collateral effects, they are calculated to induce, or to strengthen. Much is said of education.—The most universal, the most irresistible of all educations, is the education of circumstances; and the most important, we might say, the most imperious of all circumstances, is the nature of the government, and the distinguishing character of its general proceedings.—It were desirable that we should reconsider every fundamental part of legislation,—take from European, and ancient writers, only their ab-

stract principles, and apply them, on American grounds, to American affairs.

It has been frequently observed, that the political science of all modern nations is mostly conjectural, and does not rest on precise, and accurate data. It behoves America to take a new course of her own—simple, republican and dignified. The history of the revenue in particular, even of those nations whom we justly deem the most enlightened, is a tissue of shifts, originally resorted to, by ambitious or dissipated, sordid or unfortunate monarchs, to extort from their subjects money, which the one party did not clearly conceive itself intitled to exact, nor the other imagine itself bound to pay. In fact fiscal arrangements, as well as government itself, were mostly the accidental result of fortuitous circumstances; and when, at a later period, the mist of ignorance was dispersed, and the science of government, in its various branches, established on its proper foundations, the concerns of the revenue had already acquired so much intricacy;—so many devices for raising supplies were already in use,—had been rendered familiar to the people,—and mitigated, or corrected, in their injurious effects, by cotemporary measures of a different tendency, that reform became hazardous, if not impracticable. But America, starting from principles; setting the first example of a social compact, rationally and freely formed for the sake of individual, and national happiness; unfettered by prejudice; unshackled by entailed usages, should improve the singular advantages of her situation, and settle her financial system in her own way: she should endeavour to obtain great results, by simple means, and explode for ever a disgusting train of petty, and immoral, financial expedients.

Influenced by these considerations, we shall venture to differ in opinion from the able writer, we have just quoted, and from those, whose sentiments, in this respect, he has repeated. In so doing, we are sensible that we lay ourselves open to the reproach of being both presumptuous, and visionary. There must necessarily exist in this, as in every other country, a great proportion of "*ordinary*" people, and these, as *Bentham* observes, "have one interest in common, which they but too well understand, namely, that every thing should be ordinary, like themselves."* Such of course will not be willing to allow,

* Jérémie Bentham. *Théorie des Peines et des Récompenses*, vol. I. p. 357, a work recently published in London, and which is every way fitted to sustain the reputation of its eminent author.

that any plan of taxation could be beneficial, and desirable here, which has been so decidedly disapproved of by the wise men in the old world. But, we have constantly before us the great political problem—how can this federal system of polity, the duration of which would, in a measure, imply perpetual peace; a consequent unexampled accumulation of national capital; and springing from this again, ulterior results, which dazzle and exalt the imagination—*how can this federal system of polity be made to bid defiance to time and space?* It is our opinion—resting on the arguments, detailed in the preceding pages—that its duration will materially depend, on the introduction of a plan of finance, more correct in principle, more simple in execution, and more pliant under the vicissitudes of things, than that of which the introduction is about to be attempted; and we shall proceed to state what we believe to be this plan, regardless of any other object than the attainment of truth.

We wish it, however, to be understood, that we by no means conceive that the introduction of the tax, of which we shall presently speak more fully, could be attempted at once. All great measures require due preparation! But we think that the introduction of nothing theoretically sound and beneficial, ought to be despaired of in this country, and with the American people. We are sensible, with *Bentham*, “that every thing now routine, was once project; every thing now established, once an innovation.” And we believe that another *Alexander Hamilton* in the United States, might say, with regard to the plan of taxation in question, what *Richelieu* asserted in France on a very different occasion, “if the thing is practicable, it may be considered as done; if impracticable, it can be brought about.”

This tax is no other than that very direct, personal tax, which, according to *Ganilh*, we ought totally to discard.

If he had recollected that all extremes touch, he would probably have been aware, that a single step further might render the worst system the best, and it would have occurred to him, that such a step, if impracticable in France, might not be so every where.

The great difficulty with this tax is, obviously, to ascertain the amount of individual revenue; the expedient, which naturally suggests itself—“let those, who have to pay the tax, ascertain it themselves!” Then the question occurs—will they do it? or can they be made to do it? The answer—they will,

if they conceive it to be their *interest* and their *duty*. Thus we see at once, that, with a free, a wealthy, an enlightened people, on the one hand, and a wise administration on the other, this tax may be stript of all its horrors, and a system, most to be dreaded in one state of things, rendered the most correct, and beneficial, in another.

We need not expatiate much on the general merits of the tax under consideration—*an uniform per centage on the net revenue of every individual, enjoying an income in his own right*.—It is self-evident, that this tax, if not excessive, can only bear on revenue; and it is not likely to become excessive, because it will be general. It is also evident that, in its distribution, none can be imagined more just;—because the portion of individual revenue, laid under contribution, will no longer depend on the amount of commodities consumed; because no difference of soil, of climate, of pursuit, will lead to an exemption, or give an advantage; because not even the different relative value of the circulating medium, in different parts of the empire, can interfere with the principle, for, the quantum of tax, to be paid by each person, will keep pace with the valuation of produce, or labour, in the same medium of circulation; at the same place. The collection will require, comparatively, but a small number of persons, whose duty moreover will be easy;—of course the collection will not be attended with great expense. No repeated domiciliary visits will be necessary, no spies and informers, no interference with private pursuits. Nothing invidious will attend the tax; nothing immoral. It can no ways impede, or even in the smallest degree embarrass, commercial circulation and intercourse. No extension of the empire can be imagined, no increase of population, no diversity of circumstances of any sort—to which it will not be equally applicable; under which its collection will not be equally simple. The financial labours of congress would, in future, almost solely consist in fixing every year the per centage, to be levied in the year ensuing; and, as the aggregate of individual revenue, is but seldom subject to very great, and sudden revolutions, the amount of the proceeds of a certain per centage in the year past, compared with the actual exigencies of the state, will form a sufficiently accurate criterion by which to fix the new per centage. The following cursory view, may give some idea of its probable productiveness.

According to the last census there are in the United States,

Free white males, from 16 to 25 years of age,	547,597
Do. 25 to 45 - - -	572,347
Do. 45 and upwards - -	364,736

Total number of free white males above 16,	1,484,680
And making an allowance of two thirds of the first item for people under 21 }	365,065

We shall have a free white male population of age, amounting to }	1,119,615
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But, let us take only one million of free white males of age, enjoying an income in their own right, derived from land, labour and capital, separately or jointly, and let us suppose their respective individual revenues to be as follows.

The individual revenue of

500,000 from \$ 50 to 150 per annum—average \$ 100—is	50,000,000
100,000 from 150 to 250 per annum—average 200—is	20,000,000
100,000 from 250 to 550 per annum—average 400—is	40,000,000
100,000 from 550 to 1050 per annum—average 800—is	80,000,000
100,000 from 1050 to 2150 per annum—average 1600—is	160,000,000
100,000 from 2150 to 4250 per annum—average 3200—is	320,000,000

1,000,000 makes the aggregate revenue of this number 670,000,000

One per cent. on this sum of six hundred and seventy millions of dollars, would give \$ 6,700,000, and allowing the \$ 700,000 for expenses of collection, a tax of one per cent. on net individual revenue, would, according to our supposition, still produce a public revenue of six millions of dollars.

This, for the present, will be sufficient to show, that the tax could not fail to be productive, and we are, therefore, justified in the conclusion that no tax can be devised, which would so completely unite every desirable qualification, as the tax in question, if a ready, simple, and unoppressive means could be found, to ascertain the net revenue of those on whom it is to be levied.

If this difficulty seems to be great, it is satisfactory at least, that it may be considered as the only one to be conquered.

The difficulty must be the greater, the more the bulk of a population are wretched, ignorant and corrupt. In our country we have this advantage, that the free population of the southern states consists, for the most part, of gentlemen; that in the middle, and northern states, three fourths, at least, of the whole male population have received some education, and can read and write; that the generality of the people may be con-

sidered as wealthy; and that, on the whole, they certainly are intelligent and moral, rather than dull and corrupt. All these circumstances are favourable, and must lessen the difficulty.

Adam Smith tells us, that, in Hamburg, every citizen, annually, in the presence of a magistrate, puts into the public chest, a certain sum of money, which he declares, upon oath, to be one fourth per cent. of all that he possesses, but, how much is put in by each, is never known. It is presumed, however, that the tax is paid with great fidelity.

We further learn from the same author, that, in the canton of Unterwald in Switzerland, people, on certain occasions, declare upon oath what they are worth, in order to be taxed accordingly. For the same purpose, in that of Zurich, they declare upon oath the amount of their revenue, and, no suspicion is entertained that the government is deceived. In Basil, small duties are imposed on goods imported. Every citizen takes an oath, that he will pay, every three months, all the taxes imposed by law. He is himself entrusted with keeping the accounts, which he sends in, periodically, to the treasurer, with the amount of the tax computed at bottom. It is not supposed that the revenue suffers by this confidence.*

Smith then observes, "To oblige every citizen to declare publicly, upon oath, the amount of his fortune, must not, it seems, in those Swiss cantons be reckoned a hardship. At Hamburg, it would be reckoned the greatest. Merchants, engaged in the hazardous projects of trade, all tremble at the thought of being obliged, at all times, to expose the real state of their circumstances. The ruin of their credit, and the miscarriage of their projects, they foresee would too often be the consequence. A sober and parsimonious people, who are strangers to all such projects, do not feel that they have occasion for any such concealment.†"

The population of the United States consists of labourers, farmers, planters—who form the greater proportion; and of tradesmen, manufacturers, and merchants. The former, in their social relations, partake of the simplicity of the Swiss; the latter must necessarily be influenced by the same considerations as the people in Hamburg.

Could not the rule of declaration upon oath, be so modified, as to be equally compatible with the interests of all? Could it

* Machiavel mentions in the 55th ch. of the first book of his discourses on Livy, a similar trait in the history of the Germans. The whole chapter has a curious reference to our subject, and is worth perusing.

† *Wealth of Nations*. Book V. part ii. art. 2.

not be rendered less rigorously precise, than it was in Switzerland, and consequently more easy of conscientious compliance; yet not so vague, as to leave dishonesty totally destitute of a check, as in the case of the contributions at Hamburg?

We must observe, that in a country like this,—where law gives security; property, credit; and credit, power—people, generally speaking, can have no interest to conceal their profits, though they may, occasionally, have an interest to conceal their losses.

But, the interests of the public revenue will be equally well consulted, whether the tax be paid on the *true* amount of net individual revenue, or, on the amount *understood* agreeably to the wishes of the contributor; provided that no *actual* revenue escape contribution.

The object, therefore, in our opinion, can be attained, and all reasonable interests reconciled, by enacting, that every man, subject to the tax, do declare upon oath, what specific sum his net revenue, during a stated period, according to his best knowledge and belief, *has not exceeded*.

If, the declaration be thus worded, a merchant, for instance, who has generally cleared from five to eight thousand dollars profit per annum, and has been in the habit of making his declarations accordingly, but then happens to be unfortunate, and, during another year, gains nothing whatever, may, if he chooses, declare, as before, that his profits have not exceeded five thousand dollars, or any other sum he may wish to name, and pay his tax accordingly; which will, plainly, obviate all the inconveniences, to which he otherwise might have exposed himself, by an imprudent disclosure of the real state of the case.

But, it may be objected,—what becomes in this event of the principle of justice? It is not enough that a man has been unfortunate:—he is obliged to pay a tax on supposititious profits, to avoid an injurious disclosure of his circumstances,—We ask in reply, does the person in question, because he happened for one year to be unsuccessful, sell his house and go to lodgings? Does he lay down his carriage, curtail the education of his children, alter his general style of living?—If he does nothing of all this, because he thinks it would not only be unnecessary, but imprudent to alarm his friends, and the public, expecting, that the profits of another year, will make up for the bad success of the last; and if, from these motives, he continues unvaried the usual scale of his expenditure, why not, from the same reasons, preserve it also towards the state, which continues to protect him in the possession of the same means, the

employment of which procured his usual revenue, and would have still procured it, if, in their application, he had been more fortunate or more judicious? Can there be any violation of justice in laying him under an obligation to be consistent, and to act towards his country as he does towards himself?

But, if this objection should be conceived to have more weight, than it really has, it can be removed. Direct justice can be preserved, if constructive justice, though equally rigorous, should not be deemed sufficient. For this purpose, the following regulation would be required;—that in the case of merchants and traders, whose business in a great measure depends on credit—in consideration of the hazards to which they are unavoidably exposed, and of the inexpediency which may exist as to a disclosure by them of the real state of their affairs, when, occasionally, they have been unsuccessful—the quantum of contribution shall be calculated on three fourths, or four fifths only, of the sum declared. The operation of this rule would be that, even if every four, or five years, for instance, the revenue of a trader, or merchant, were entirely to fail, and his declaration in the years of failure, stated an amount of revenue, corresponding with his general circumstances, yet he would not, on the whole, pay to the state more than his due proportion. The state, under this arrangement, may be considered as relinquishing to traders and merchants, a small proportion of their yearly contribution in regular times, by way of premium of insurance, to secure a more steady receipt of the remainder.

Thus modified and acted upon, we cannot conceive any thing formidable in the declaration; nothing incompatible with private interest; nothing that could make the tax requiring it, unpopular with an enlightened people, particularly when, on the other hand, the already enumerated merits of the tax, are of a nature so decided, and so well adapted to our peculiar situation.

The productiveness of the tax, and the cheerful acquiescence of the people in the new system, would, in our opinion, chiefly depend on the manner, in which its introduction should be attempted.

We are aware that perfect success, in this respect, must imply the prevalence of a considerable degree of honesty. But, we cannot help thinking that it is with this *moral*, as it is with other commodities:—it will be found to exist in proportion as it is *made much of* and *valued*. We deem, therefore, highly beneficial, and most salutary to the state, any political proceed-

ing, into the character of which essentially enters, and with which, as it were, is embodied, a lively confidence, on the part of the government, in the good faith, and integrity of the people. We are fully persuaded, that nothing can be imagined, more powerful than this, for the support of public probity; as, on the other hand, nothing can be more destructive of it, than those jealous regulations, which seem to emanate from the supposition, that all men are knaves, and that security against crime can only be sought successfully, in the impossibility of its commission. The tax under consideration, in this point of view also, must strongly recommend itself to every politician, conversant with human nature, and looking to distant consequences.

Are our people made of different materials from those of Switzerland? Will they not evince the same virtue, if treated with a confidence equally generous? Are not our merchants reputed, and known, to transact their customhouse business with good faith? Yet, would the same regulations and laws, as to this source of revenue, be perfectly nugatory in countries, where defective institutions have established, between the people and their government, the relations of a secret warfare; where, consequently, successful frauds on the public revenue are generally viewed, in the light of dexterous self-defence; where false oaths are considered as weapons of expediency.

Generally speaking, it may be taken for granted, that honesty will prevail, until superior temptation to an opposite conduct exist;—and this, judicious statesmen ought to know how to avert, in a country like ours, where a comfortable subsistence may be said to be within the reach of every able bodied man. There will be no fraud in revenue matters, till there is oppression, or the fear of oppression. The surest way to avoid oppression, is to establish taxes which are general and strictly just in their operation—because then, though light, they will prove sufficiently productive. The surest way to remove the fear of oppression, is to act with candour, and to enlighten the people.

We shall now proceed to make a few suggestions, concerning the mode in which, as we think, the introduction of the tax ought to be attempted, and concerning the regulation of its details.

First. It ought to have a good name, expressive of its character, and associated with agreeable ideas. We could wish it to be called the *Union Tax*—because the permanency of

the Union—we mean during a succession of ages—will, in a great measure, depend on its adoption.

Secondly. Preparatory to the introduction of this system of taxation, as well as for salutary republican purposes in general, we think that a *political catechism* ought to be drawn up, for the use of our citizens; in which the nature of the social compact, the necessity of a government for the well-being of all, the reciprocal relations between it and the people, and their mutual rights and duties, should be developed in a clear, plain, forcible and popular manner. We think there is nothing in these matters, that could not be rendered perfectly intelligible, even to ordinary capacity, by a person qualified for the task. It would then be generally understood, that every man ought to pay the *Union Tax* honestly; why he ought so to pay it, and what advantages he obtains in return. A sufficient number of copies of this catechism should be delivered to the governor of each state for distribution, and the proper steps taken, to introduce it, gradually but permanently, into schools of every description.

Thirdly. The law ought expressly to declare that this tax, and duties on imported goods, were the only taxes to be laid by the general government; that the *Union Tax*, and customs were, in future, to be considered as the only regular sources of the revenue of the empire; at least that no revenue was ever intended to be derived from the people, by means of any other contributions direct or indirect.—For the same reason, the postage of letters, which is now a heavy, and perhaps an injurious charge, ought to be reduced to what is merely necessary for defraying the expenses of the establishment, after the organization of the *Union Tax*.

Fourthly. The tax ought to be paid by all free males of age, deriving an income, from whatever source, in their own right, or as trustees for others; and by all females of age, deriving an income, in their own right, from real, or personal estate. Females of age, obliged to support themselves by industry, as they are not in a natural and favourable situation, ought to be exempt from the tax. But trustees, managing the estates of orphans, or the property of people residing out of the country, ought to pay it; for no good reason can be assigned why any species of net revenue, derived under the protection of the state, should be intitled to an immunity.

Fifthly. The declaration should be made in the month of February, when the results of the preceding year may be presumed to have been ascertained, and the quantum of contri-

bution for the current year, should be calculated on the net revenue of the year expired.

The net revenue is the gross income of a person, deducting

1. Rent of every description, whether paid for land, houses, or other property.
2. Wages, hire, and insurance, of every description, paid in the prosecution of business.
3. Interest of money borrowed.
4. The value of materials purchased, which constitute no part of permanent stock. This applies chiefly to manufacturers and tradesmen.

These deductions from the gross income, mostly form a part of the net revenue of some other person, which shows the propriety, and, together with a constant view to justice, forms, in equivocal cases, a test of the correctness, of the proceeding. It is obvious, that interest on a man's own capital and stock in trade, ought not to be deducted, because it does not constitute a part of the net revenue of any other person.

From the details just mentioned it also appears, that the tax can hardly be considered as appropriate for a grossly ignorant, and illiterate people, and that it is best calculated for one among whom, the rudiments at least of knowledge, and education, are most generally diffused.

The net revenue, however, is the more easily ascertained, the more simple the pursuit from which it is derived. With a day-labourer, for instance, it will consist merely in the deduction of house-rent, if any he pays, from the amount of wages earned, which amount it will not be difficult to ascertain, as the rate of wages is known, and as he will in general recollect, how many days he has been sick, or out of employ. A small farmer will easily recollect what quantity of produce he has sold, or how much money, on an average, he has taken every week at market; from which proceeds it will only be required to deduct rents, and wages paid to hired hands. Most tradesmen and manufacturers, in this country, even those whose business is not very extensive, are in the habit of keeping regular accounts. Those in a very small way, know at least how much they make by a pair of boots, of shoes, &c. There are very few men indeed, in the United States, so ignorant as not to have a pretty accurate idea how much they clear, as the term is, by their exertions.

The tax will have this further beneficial effect, to cause people to become regular in the management of their business,

and will be for them an additional stimulus to the acquisition of knowledge.

Sixthly. The collectors of this tax ought to be intelligent, respectable and popular persons. The justices of the peace, on a slight view of the subject, would seem to be the description of men, best calculated for the situation. On a judicious selection of collectors, and on their judicious conduct, the success of the tax would materially depend. They ought to be well instructed in their business: they should endeavour to render the tax popular, and know how to aid those, who may find some difficulty in forming their calculation.

Every district ought to have its collector general, to whom the collectors in townships, or counties, would be, in the first instance, responsible.

A difficulty might arise from produce unsold, or debts outstanding. If the former has any market price, it may be valued at that. If it has none, or is subject to spoil, it may be left out of the account, and considered as forming part of the revenue of the year following. The outstanding debts may be valued.

In general it may be presumed, that every man in this country, liable to the tax, will be able in the month of February to ascertain, with sufficient accuracy, his good or bad success during the year expired, so as to declare upon oath what sum his net revenue, according to his best knowledge and belief, has not exceeded. It may even be depended upon, that as long as the tax is moderate—which from its great productiveness it may always be—the majority of the people will rather be disposed to overrate, than to underrate their revenue. Conscientiousness will be aided by pride; by the wish not to make a shabby appearance on the collector's book.

The declaration being made, and the amount of the contribution for the year ascertained, it may rest with the person, either to pay it at once, or by degrees, within six months after the declaration. The collectors, in this respect, must study to accommodate the contributors; and give them every facility; but rigorously enforce payment, within the period fixed by law.

Each collector ought to keep a book, alphabetically arranged, and ruled, in which the name of every contributor, the sum declared, and the amount of tax paid, should be entered in separate columns. The books should be so contrived as to require being renewed only every five, or ten years.—These revenue books would be, in some measure, records of people's good, or bad success in life, and afford additional

excitements to prudence and industry. At elections no person ought to be suffered to vote, whose name was not in the book of the collector.

The business of the first year would, evidently, be the most difficult. The tax being once systematized; the declarations once made, and recorded, people whose pursuits are of a steadily productive character, would not readily declare a less revenue afterwards, than they did at first, unless there could be shown a good cause for it. The declarations of one neighbour, one man of the same profession—would prove, in some degree, a check on the declarations of the rest. A number of causes would combine in support of good faith!

The yearly declarations, upon oath, of the amount of individual revenue throughout the empire, would be an invaluable document, in the hands of the general government, and form a more solid basis, than any government has yet been possessed of, on which to found extensive political operations.

After the tax was once organized, and its practicability, and efficiency established by experience, we do not see any good reason why this system, as exclusive of all other taxes except duties on imports, might not be incorporated with the constitution itself. The provision, now contained in this instrument, respecting the apportionment of direct taxes, had evidently for its object, to secure a greater degree of justice in the distribution of the public burthens, which, it was apprehended, might, without this provision, be infringed, owing to the vast difference, in the value and productiveness, of lands in different parts of the Union. The proposed system of taxation is, therefore, congenial with the spirit of our constitution.

Seventhly. We must mention, that in our opinion, a clear and precise Annual Report to the people, giving an account of the state of the Union; of the things actually done by the government during the year, for the well-being of all; of the measures in a train of execution, and contemplated—should precede the legislative annunciation of the per centage on individual revenue, required in payment of the Union Tax, for the wants of the year ensuing. This Report, if the thing could be accomplished, at an expense not excessive, should be neatly printed, bound, and transmitted to all the collectors, with directions to deliver a copy gratis, to every one generally, when he made his declaration, or to every one, at least, whose declared revenue should not exceed a certain sum. We need not dwell on the tendency of this measure, with regard to government, as well as to the people. The former would sometimes ask themselves—what shall we have to say in the Report?—

The latter, particularly the poorer description, would receive something tangible, in return for this contribution; something to be taken home; to be read and talked of;—something to illustrate the Catechism. We have already said, *that individual self-love should always have an opportunity of identifying itself with national honour!*

Such are our general ideas, concerning this tax, which, however, might be modified in their application. We are perfectly sensible that they have a visionary complexion. Our constitution itself bore that complexion, particularly in Europe, when it was first framed, and promulgated. We have reasoned from immutable principles, the correctness of which cannot be questioned. We have endeavoured to reason clearly. We are not aware that the plan of taxation suggested is so much at variance with the imperfections of human nature, as to render hopeless, in *this* country, the attempt to put it in practice, if judiciously made, by a popular administration. We are convinced that the difficulties attending it, though considerable, perhaps, at first, would diminish every year; and we cannot help being honestly, and deliberately of opinion, that the solidity and future splendor of our federal edifice, would be best secured by the adoption of the proposed system.

Constance de Castile, a Poem in ten Cantos. By William Sotheby.

THE author of *Constance de Castile* has, we suppose, long since overcome the maiden diffidence, of a first appearance on the public stage. The flutter and anxiety of spirits, the hopes and fears inevitably incident to a season so important, have subsided into the calm of conviction and confidence. Although this timidity may no longer be felt, there are nevertheless appropriate cares and apprehensions, which he is still destined to encounter, and these result from the success that attended his *début*. The public now look towards him with enlarged expectations, justified by his former efforts, and will hardly be disposed to treat him with that indulgent lenity, which is sometimes extended to mediocrity of talents. He has already taught them to anticipate something more;—something decidedly and positively good. Critics likewise are inclined to be severe in proportion to the celebrity of the subject they handle, and although their opinions are not endued with oracular infallibility, they have a formidable claim to being heard. Whether a pledge once given to the public, of what they are fairly intitled to expect afterwards, does not cost an author, who has tasted the sweets of admiration, as much anxiety for its redemption, and as much pain and apprehension, as a first appearance excites, is a point which we shall not presume to investigate. It must rest in most instances in speculation merely, for how very few on this subject can speak from personal knowledge! Campbell, Southey, Scott, and Sotheby are judges of these “high matters.”

The latter gentleman by his translation of Virgil's *Georgics*, first presented himself as a candidate for public favour. Dryden, who had once won the palm, and continued to enjoy it, was never able, from the peculiarity of his destiny, to bring his undivided forces to the field. His mind was rich with the lore of ancient and modern time, his judgment solid and sagacious; his fancy vigorous, excursive and alert. Master of a boundless and ever varying melody, he wanted, notwithstanding all these advantages, the sensibility of a poet. While, moreover, the Muse solicited his company and conversation, and was ever ready to await those moments of leisure he could devote to her interviews, Poverty stood scowling impatiently at the door, and disturbed the conference. From this ghastly and teasing intruder, we understand Mr. Sotheby is

happily exempted. His lines possess a smoothness and delicacy truly Virgilian, and bear the marks of what Dryden needed so much, and thus translates:

"Happy the man, who studying nature's laws,
Thro' known effects can trace the secret cause;
His mind possessing in a quiet state
Fearless of fortune, and resign'd to fate."^o

Mr. Sotheby does not, it is true, manifest that condensed vigour of thought which is displayed throughout the pages of

* Dryden, as it would appear from the history of his life, was not overburthened with the careless philosophy recommended in the 29th ode of the third book of Horace, which he has translated in so admirable a manner into his native tongue. The following lines of his version are, we think, of the most exquisite beauty; a *chef-d'œuvre* of poetical merit.

"Enjoy the present smiling hour,
And put it out of fortune's power:
The tide of business, like the running stream,
Is sometimes high and sometimes low,
A quiet ebb or a tempestuous flow,
And always in extreme.
Now with a noiseless gentle course
It keeps within the middle bed,
When it lifts aloft the head,
And bears down all before it with impetuous force.
And trunks of trees come rolling down,
Sheep and their folds together drown:
Both house and homestead into seas are borne,
And rocks are from their old foundations torn,
And woods, made thin with winds, their scatter'd honours mourn." }

Happy the man and happy he alone,
He who can call to-day his own:
He who secure within, can say,
"Tomorrow do thy worst, for I have liv'd today;
"Be fair or foul, or rain, or shine,
"The joys I have possess'd in spite of fate are mine.
"Not heaven itself upon the past has power;
"But what has been, has been, and I have had my hour."

Fortune, that, with malicious joy,
Does man her slave oppress,
Proud of her office to destroy,
Is seldom pleas'd to bless:
Still various and unconstant still,
But with an inclination to be ill,
Promotes, degrades, delights in strife,
And makes a lottery of life.

I can enjoy her while she's kind,
But when she dances in the wind,
And shakes her wings, and will not stay,
I puff the prostitute away:
The little or the much she gave, is quietly resign'd:
Content with poverty, my soul I arm;
And virtue, though in rage, will keep me warm."

his illustrious competitor; and which produces alternate admiration for his genius, and compassion for his fate. But, to counterbalance this, he exhibits a piece of finished workmanship beautiful as a whole, and shining with uniformity of splendor. We read and are delighted, but if called upon to point out the particular passage affording gratification, it recedes from view, and mingles with the general mass. With Dryden, the case is precisely the reverse. Our minds are summoned to certain spots; the leaves doubled down are evidence of the labour attending unguided research. In the page of Dryden, we see rather what he could have done than what he did; in Sotheby's we have a fair exemplar of what the poet is capable of accomplishing.

Mr. Sotheby, cheered by the success which followed his first attempt, exerted himself once more in the humble field of translation. Unaspiring as yet to the claim of originality, he sought his fame a second time in the glory of others. Casting his eyes on Germany, a country which at that time enjoyed an almost exclusive monopoly of English admiration, he took the *Oberon* of Weiland for his model. It is highly creditable to him, that he did not become auxiliary to that depravity of taste, among his countrymen which followed the gratification of their appetite for public monsters. While the unnatural and disgusting creations of Germany thronged in endless procession, it was quite refreshing to the reader of his pages to fall into the company of his old friends the fairies again. This seemed a bond of alliance between English and German literature, which was in danger of being broken by the "horrid shapes and sights unholy" then recently imported. It was consoling evidence, that public taste in both countries was not corrupted to the core, and led the disciples of the old school of English poesy to augur from this auspicious harbinger, the return of better days. It was hoped from this delicate and beautiful specimen of supernatural agency, that the very country from whence the infection was brought, might in time afford a cure for the malady. To what extent the interesting tale of *Oberon*, was successful in reclaiming English taste, it is foreign to our present purpose to inquire. The fact is, however, undeniably true, that the appetite of the public, whether owing to that disgust and nausea that succeeds a surfeit, or to a milder regimen, became reinstated in its natural tone.

Mr. Sotheby's *Oberon* has survived the wreck, and is still

admired, and still continues to make new proselytes. We incline with an easy credulity to the belief, that his supernatural agents do exist,—that Oberon and Titania, in all the dangers and adventures of Sir Huon, form a body in reserve, and are constantly on the watch whenever mortal means of extrication are inadequate. A familiar acquaintance with beings of this nature on the part of his readers, is requisite before a poet can introduce them to advantage. We must be from the days of childhood conversant with such fictions, before incredulity can be conquered. Hence the startling novelties of the German school, are ever at war with those plausible pretexts, that are alone able to give to our wonder and surprise the air of truth.

With regard to the poem of Oberon, it may be stated, that nothing but the appearance of Mr. Sotheby's name in the title page, indicates him to be the *translator of the work*. It is free from that stiffness so often discovered, when we are employed with the thoughts of other men: there is an easy elegance pervading the whole, which clearly proves Sotheby to have made the ideas of his author, his own. The translator appears to have entered into the spirit of his original, and instead of following him with the punctilious precision of a special pleader, to have allowed himself a graceful and justifiable latitude of expression. It may well be doubted whether any English poet now living knows better than Sotheby, the rights and duties of a translator. He wears his foreign chains with an air of such perfect freedom, that they do not seem badges of servility, but the ornaments of his person. While he glows with his author's heat, he manages the inspiration with consummate judgment, delicacy and skill, and it comes forth new burnished from his hands.

The office of a translator is, with all its attendant difficulties, and notwithstanding it requires so much delicacy and judgment in the exercise of its legitimate functions, humble and subordinate. The materials are ready furnished to his hands, and he can claim no other merit than what results from elegance and skilful arrangement. Mr. Sotheby was not satisfied with the acquisition of such subordinate glory. The bird of the Muses disdains a borrowed plumage, however gracefully disposed, or brilliant, and loves to display the splendor of his own.

The author has in the present poem, intitled *Constance de Castile*, selected a portion of history auspicious to Romance. Pedro, the king of Castile, surnamed the cruel, was expelled from his kingdom by his illegitimate brother, Henry, count of

Trastamere. He applied for, and finally obtained succour from the Black Prince. A desperate battle was fought at Navaret on the 3d of August, 1367, in which Trastamere was defeated, with great slaughter, and fled for protection to France. Constance, the heroine of the poem, was the daughter of Pedro, by his first queen Maria de Padilla. This marriage he disowned, and afterwards united himself in wedlock to lady Blanche of Bourbon. The latter was afterwards poisoned, and Pedro in full cortes solemnly recognised the validity of his marriage with Maria de Padilla. Constance, the heiress of Castile, was, after the victory of Navaret, married to John of Gaunt, duke of Lancaster. These are the principal historical facts on which the present poem is founded. It is divided into ten cantos, the first of which opens with a vivid representation of the city of Corunna besieged by the count of Trastamere.

The inhabitants of the city preserve their loyalty unshaken, although oppressed by famine and every species of distress, while their monarch is gone in quest of foreign assistance. The monarch returns without succour, and is shortly after visited by the Moorish Almanzor, a former suitor of Constance, who proffers his succour, and obtains a conditional promise of her hand. Julian, a page of Constance, intercedes with the British monarch in behalf of Pedro, and John, duke of Lancaster, proffers his services, which are thankfully received by this unhappy lady. Pedro and Constance visit the camp of Edward on the same embassy with Julian, and are followed by Almanzor. Lancaster, smitten with the beauty of Constance, avows himself her defender, and fights and slays Almanzor. Edward, moved by the intreaties of the supplicating monarch, grants the necessary aid; and the army, while marching towards the theatre of action, is accosted by a hermit, who foretells the success of the anticipated battle, with which prediction the poem concludes.

This broad outline of the story, is agreeably filled up with several interesting incidents. The private history of Pedro's marriage with Maria de Padilla, the happiness he enjoyed in that wedlock, and the melancholy reverse of his fortune when allied to lady Blanche, are interwoven with peculiar grace and beauty. The incidents illustrating these facts slide in so naturally with the progress of the story, that the reader receives the intelligence before he is aware of the deception. The author in another instance dexterously avoids the detail of cold and ungratifying narrative, by making Pedro the herald of his own disgrace when he implores succour from the English monarch.

The poem is further embellished with a beautiful little episode illustrating the character, parentage, and fortune of Julian the page of Constance.

We see throughout this poem the cautious and restrictive delicacy, so conspicuous in the other writings of the bard. He does not burst upon us with the daring intrepidity of Southey, in a new creation of his own: neither does he, like Scott, hurry us along with irresistible force wherever he pleases, through the one we inhabit. His genius does not partake of the decided and masculine character of either of these bards; yet if he never astonishes, he is ever sure to please. The reader quits the page with a train of pleasant and agreeable, but not powerful emotions, resembling that peculiar state of the mind when we rise refreshed from an exhilarating dream, and at the same time with a memory incapable of retaining the details. Whatever Mr. Sotheby aims to do, he accomplishes; but he does not strive to touch the springs of the loftier passions, and they remain in a state of quiescence. His characters, it must be confessed, are more than the vehicles of his story, but they do not possess sufficient strength of limb to go alone; nor have we a distinct conception of what they have done, after the poet has concluded.

Our meaning will be better understood, if we compare Almanzor with the character of Roderic Dhu. As long as the page of Sotheby detains us, Almanzor does every thing we should expect him to do; but when he dies by the sword of Lancaster, he fades from our recollection. On the other hand, Roderic exceeds expectation, and long after his death pertinaciously maintains his post in our memories. Almanzor brings off the bard with applause; Roderic with admiration. The same observation applies to Constance. We wish she may not be united to the Moor.—She is beautiful, amiable and lovely; whereas the same character in the hands of the wizard Scott, while undergoing the same trial, would induce the reader to imagine that he was willing to risk fortune, and life in her service. We believe it would be difficult to find in the pages of any other poet, characters who play their allotted parts with so much propriety as they do in those of the present one, and expire so soon afterwards.

Mr. Sotheby, if he does not command our feelings with the same authority as Scott, avoids his incongruities, and daring violations of rule, to which all the force of his genius is incapable of affording a justification. Amidst all the sufferings of Scott's Constance, we still remember that she abetted the foul forgery of Marjion, and attempted the life of her rival by

poison. Our disgust and abhorrence mingle with our pity for her fate, and astonishment at the magnanimity of her endurance.*

* In speaking of Scott, we cannot resist the temptation of laying before our readers, an extract from a letter on the subject of his powers, addressed to us some time since, by one of the most accomplished critics as well as able statesmen of this country. The panegyric, lofty as it is, is scarcely too much so, for the merits of the poet, and the plan traced for his future labours eminently worthy of his attention.

"Among the obligations," says the elegant writer, "which you conferred upon me by the first number of your Review, was that it induced me to read *'The Lady of the Lake,'* with which I was absolutely enchanted. I had not seen Scott's other poems; and the title of this had given me the impression, that it was some sickly, sentimental, or amatory tale. Judge then how I was charmed and transported to find, the highest combination of lyric, dramatic, and epic excellence, that, as far as I know, exists in any language. I then read the two other works, which afforded me great pleasure. They are both excellent, but far inferior to the last. The second is also, in my opinion, superior to the first. I much doubt whether any age has produced a poet, who has so greatly and in so short a time, improved upon himself. His flight upwards, which commences from a lofty eminence, is so rapid and so high, that he cannot fail, should he continue his exertions, to reach the summit of poetical glory.

"Were I acquainted with Scott, I would advise him to rest a while, and collect all his force for a new and mightier effort. I would advise him to dedicate the rest of his life to an epic poem, of which Wallace should be the hero, and the struggles and final deliverance of Scotland the general subject. I should perhaps prefer Alfred and the expulsion of the Danes; but the other subject would fire his genius more, and give him a wider scope of illustrious characters. Indeed it is better suited to the epopee, by the rapidity of the events, the shortness of the period, the inequality of the forces, and the perpetual display of romantic valour. The character of Edward, too, would augment the interest; which would be raised to the highest pitch of dignity by the object of the struggle, so gloriously maintained, against so distinguished a foe.

"Upon such a subject I think that Scott, from the specimens which he has given us, would, in ten years, produce a poem not much inferior to the *Æneid*, and *Paradise Lost*, or even to the *Iliad*. The only defect in the theme, is the unworthy end of Wallace, who, instead of falling in battle, fell by the hands of an executioner. But still he died for his country, which it was thought could not be subdued while he lived. And this act of cruel and treacherous policy, being in fact an acknowledgment of his greatness by the oppressor of his country, might be so managed as to increase the attraction of the poem.

"In

We think Mr. Sotheby peculiarly felicitous in the incidents of his work. As an evidence of this, we might cite the magic girdle worn by Pedro, the gift of lady Blanche, which is indeed true, if *Froissant's Chronicles* are intitled to any credit; a historian who never was accused of a *too rigid adherence to fact*. Pedro was surnamed the cruel, and something was wanting to palliate the disgust the reader must conceive, when he learns that the British monarch abets the cause of that tyrant. The poet, by a dexterity peculiar to himself, prepares to soften and do away our hostility to the act. Pedro has a presentiment in a dream of his future fate; an incident that answers the double purpose of informing the reader what it was, while it alarms that monarch to repentance. Trembling under such impressions, he unfolds to Edward the whole history of his guilty life, and exposes the terrific girdle as evidence that divine indignation still pursues him. A reverend abbot, persuaded that the repentance is sincere, imposes a vow which, when the sovereign takes, the girdle falls from his body. Now, the cause of Pedro is righteous, and the reader yields a ready assent to its truth when it is confirmed by such a miracle.

Such difficulties the bard was aware of, when he contemplated the subject at a distance, and he provided against them. He therefore employs the traditional superstition of the age to bear on the particular point, and then abandons both the one and the other with the most perfect indif-

"In such a work this great poet ought to adopt the heroic measure, (I mean the verse of Pope, not that of Milton), and to discard his obsolete words and phrases. The measure which he has heretofore used, is admirably adapted to the subjects and nature of his former poems. They derive also an air of antique rusticity from the obsolete words and phrases, which is greatly becoming to them as romantic tales. But the grandeur and sublimity of an epic poem require a loftier verse; and such a work ought to be written in the utmost purity of the language, in its most improved state.

"For his lighter studies, and the intermediate recreations of his muse, a poem upon the plan of *Marmion*, founded on the story of William Tell, or on the adventures and death of Schill the German hero, and one on the exploits of Edward the Third, the Black Prince, or Henry the Fifth, would be most happily adapted to the times, and could not fail to produce the best effects. Such a genius should be devoted to the public cause. The strains of such a lyre should unceasingly stir the souls of his countrymen, and vibrate in its turn to their heroic and patriotic emotions. Scott is born to be the poet of his nation. He ought to be more. He ought to be the poet of honourable sentiments, dignity of mind, and national independence throughout the world."

ference, satisfied that he has removed an obstacle that appeared to confront him *in limine*. Scott uses no precaution of this kind—he trusts to the momentary energy of his genius to bear him out, confident that if he fails of persuading, he is sure of admiration; that the reader, while overpowered by the witchery of his muse, will gladly compound the matter with the bard, and overlook where he cannot be completely reconciled.

In the speech of the hermit, who predicts the approaching victory at Navaret, the author was unable to forego the tempting opportunity afforded him of glancing at the present times. Bonaparte of course appears *in high relief*, and the assistance which England now renders to Spain, is alluded to by the hermit. Gracefully as this incident falls in with the narrative, and flattering as the compliment must be to the poet's countrymen, we question the policy, in a literary point of view, of mingling events so recent with the story of times so antique. The tissue displays in such cases such disparity of tints, and the last hues which we discover are so much more vivid than the preceding, that they dazzle from our minds the memory of the remainder. Artifices of this nature, if admissible at all, ought certainly to be covered with a deeper veil than the present example affords. What we precisely mean is this, that some remoter period of history in some measure analogous to ours, should, we conceive, be taken as the groundwork of the plot. In such situations, the events of the present day might be cautiously and delicately shadowed out, and to the reader should be left the task of the discovery. If no such periods of history exist, reflections may be introduced which, without seeming to bear designedly upon the present day, remind the reader of passing occurrences. Of this latter class we have an instance in the poem before us.

“ At Edward's voice, at glory's call,
The barons from their banner'd hall
Seize the triumphant spear and shield,
And fearless seek the unequal field.
Never, e'er yet the battle bled,
Reck'd England's host by Edward led
What numbers dar'd their chief oppose:
They sought but to confront their foes;
Nor deign'd to count, till Mercy staid
The havoc of his slaught'ring blade;
And Conquest pointing to the slain,
Bad Pity ransom half the plain.”

Many fastidious critics have objected to the structure of this species of verse. They triumphantly ask, how persons, who profess entire veneration for the sounding, majestic march of Dryden and Pope, can possibly reconcile them-

elves to the short trip in the footsteps of the modern Muses? We reply, very easily. The grandeur of the epic measure, we conceive, has been essentially impaired by unrestrained indulgence. It should be reserved for high and great occasions, and kept more distinct from ordinary use than it has hitherto been. Having become so common, it now partakes, we fear, in a great measure of the triviality of the incident it celebrates, and has lost by such frequent repetition that lofty majesty, with which it was once endowed, and which it is its proper office to assume. We regard as a happy omen the adoption of a measure, that relieves us from such misapplication of epic metre. It tends to advance another desirable object, which is to raise the heroic strain to its former dignity. The old ballad style, while it does not sacrifice melody, is not encumbered with it; it is susceptible of an endless variety of modulation, and gives a freedom to expression which epic stubbornly refuses to admit. A few sounding words destitute of meaning will not now be enabled to hide their total imbecility behind the popularity of epic. The ancient style of writing so long disused, has been suddenly ennobled, invigorated and brought into repute, by the splendid genius of those who have not disdained its adoption.

In reviewing a poem like the present one, which pleases us by its uniformity of merit, we confess that we feel considerable embarrassment, when we undertake the selection of particular passages. They are so well connected with precedent and subsequent matter, that we run the hazard of breaking this thread, and even of injuring the character of the poet by extracting the parts we most admire. They seem beautiful in their places, and for that reason lose something when separated from the community they adorn, and by which they are adorned. The following extract evinces the propriety of this remark.

“ Weep not the brave at Roncevall!
 Weep not the sons of glory!
 They live—the chiefs who bravely fall
 In Fame’s eternal story!
 Weep for the youth to Virtue dying,
 In Pleasure’s shameful fetters lying.
 Strew the flower, and shed the tear,
 O’er Age unhonour’d in the bier,
 The tears that drop, the flowers that die
 Shall picture his mortality.
 Weep those whom never valour lov’d
 Nor patriot zeal nor honour mov’d,
 Nor the trumpet’s voice most musical,
 Like those who bled at Roncevall
 Weep no more th’ immortal dead;
 Their country’s blessing guards their bed.”

The reader approves merely of this extract, but discovers nothing in it peculiarly beautiful. Here palpable injustice is done to the bard. We have now to image to ourselves Edward's army on the march against the usurper Trastamere, and stopping at Ronceval, the theatre of a former bloody action. Gloom gathers on all their countenances, when they behold the bones of their countrymen, who fell in this engagement, whitening in the sun, ominous of the sad destiny many of the spectators are shortly to encounter. At a season like this, we have further to consider, that Constance seizes the harp and pours the heroic strain just quoted. Then indeed,

"To arms, to arms the warriors cried
And wav'd their flaming falchions wide."

The following lines serve to remind us of some fine passages in the *Georgics*, which Sotheby has so gracefully told in his native dialect.—The army of Edward pass,

"Mid champaigns o'er whose fertile bed
Free streams and winding waters spread,
And from their mountain cradle pour
On Earth's green lap their gather'd store:
Plains where the pipe of ev'ning leads
Fair flocks amid luxuriant meads;
Where Autumn carols as the swain
Shakes from full sheaves the golden grain."

Virgil himself, in his sixth pastoral, seems modestly to doubt his ability, to employ his muse with success, on martial subjects. That he never satisfied himself, is evident from his anxiety to burn the manuscript of the *Æneid*. Reverencing as we do the genius of Mr. Sotheby in this walk, we think it more at home in milder scenes. Virgil says of his muse thus employed,

"But when I tried her tender voice too young,
And fighting kings and bloody battles sung,
Apollo check'd my pride, and bade me feed
My fat'ning flocks, nor dare beyond the reed."

Mr. Sotheby appears to eminent advantage whenever he is occupied in the description of the amiable, the tender, and the delicate. Of examples of this class many might be cited. In the tomb of Maria de Padilla her alabaster image was seen.

"That lady bore Maria's air,
Each living charm seem'd featur'd there;
Such her fine form and placid mien;
Still on her lip a smile was seen,
As if a blessing on the dead
Had rested as the spirit fled."

Of the same cast of character is the following.

"Sweet is it when the spirit is at rest,
 And peace attunes the mind,
 On the green down at summer tide reclin'd
 To listen to the whisper of the wind:
 And on the clouds that canopy the west
 Round the slope sun's vast orbit roll'd,
 O'er billows of the molten gold;
 Catch in quick colours ere they fade
 The seraph's plume with light inlaid,
 And picture fair in blissful dream
 Bright visions floating on eve's roseate beam.
 Far diff'rent they by hope betray'd,
 Thou Julian! and the hapless maid!
 They on the cliff where tempests swept
 Thro' the long day sad vigils kept,
 There commun'd with the ev'ning star
 Till night drove up her ebon car.
 Then ere they slowly left the steep,
 Pale moon-beams saw the mourners weep,
 And gazing on the vacant main
 Shape in each cloud a sail in vain.
 Yet, gentle spirits of the air
 Who to the couch of wo repair,
 And in a dream of bliss impart
 The balm that heals a wounded heart,
 On guardian wing their vigils kept
 Where innocence with Constance slept
 In vision to her charmed sight
 Blue Ocean show'd its mirror bright;
 There mid fair gales a galley brave
 In shadow dancing on the wave,
 Loos'd every sail, for voyage spread,
 And Julian there the virgin led."

In fact, if a judgment can be formed of an author's ideas from his work; if in this, as in all the other relations of life, the dispositions of man is to be ascertained by his actions, these are the thoughts that Mr. Sotheby himself entertains. He does believe, we think, that his genius is better calculated for pastoral, than martial subjects; and of this the volume before us furnishes abundant evidence. Although the tenor of his subject leads to the tented field, he continually slides into pastoral scenes—he recurs to them again and again, and at last quits them with apparent regret.

Nor can it be asserted with truth that such interludes were introduced to relieve the mind, by a grateful variety, from the storm and bustle of a camp. No one acquainted with Sotheby will contend, that his pages involve so deep an interest, as to render such an expedient either necessary, or proper. The pastoral scenes do not heighten our interest in the martial ones, as they would do in the pages of Scott, were such contrast at-

tempted. They render the features of both war and peace less perceptible and distinct, and contribute to the faintness of the impression made on the memory when the story is finished. The law of contrast demands characters deeply drawn, and strongly opposed: it requires something to surprise, and the greater the disparity the more is this emotion excited. In the page of Mr. Sotheby we pass from the one to the other by mild and quiet stages, and are sensible only of a change of scene on our arrival.

We had marked another passage of the nature of the foregoing one for insertion, and we give it, as it affords a full illustration of the principle above laid down.

“ Hard is his heart, who never at the tomb
Of one belov’d o’er the sepulchral urn
Has mus’d on days that shall no more return,
And call’d around from the funereal gloom
Shades of past joy, while tears that lenient flow
Seem to obliterate the sense of woe.
Lo! on the mirror bright of former days
Whereon we love to gaze,
Repicturing the scenes of happiness,
No forms unkind intrude.
O’er each harsh feature rude
Gathers the shadow of forgetfulness;
While all that minister’d delight
Floats like a blissful dream before the sight—
’Tis as a pleasant land by moonlight seen,
Where each harsh form that met the day
In darkness dies away:
Smooth gleams and tender shadows steal between,
While the pale silvery orb glides peaceful o’er the scene.”

The work terminates with the prediction of the Hermit, which we have before alluded. Although this “prophetic ode,” as it is intitled, does not rank with the similar vision of Gray’s Bard, or even with that of Don Roderick, it has much poetical merit. We extract it for the gratification of our readers, dismissing at the same time the poem of Mr. Sotheby with sentiments, if not of admiration, at least of good-will.

“ Long o’er thy realms, exultant Spain!
“ In peace their scepter’d race shall reign.
“ Yet—stay!”
Why pause, prophetic seer?
Why bursts th’ involuntary tear?
The fire that glow’d thy cheek, why flown?
Why silenc’d, joy’s triumphant tone?
“ Return,”—he cried—“ thou vision bright!
“ Fall’n is the banner that, unfurl’d
“ By conquest, claim’d another world;
“ The flag that wav’d o’er Pavia’s fight.

"Spaniard!—Iberia's glories fade.
 "Ab!—what art thou,—gigantic shade!
 "Terror of earth, enthron'd sublime,
 "Who, crown'd by horror, fraud and crime,
 "O'erlook'st the world, an idol god!
 "O'er Gaul th' avenger lifts the rod,
 "Shivering the sceptres of the globe,
 "And dyes in blood of kings his robe.
 "Thou, too, my hapless country! thou
 "Shalt at the idol's altar bow;
 "Thou by thy native sons betray'd,
 "By scepter'd vice and folly away'd:
 "Thy nobles slav'd, thy princes sold,
 "Thy ruler under yoke of gold;
 "Thy warriors on the frozen main
 "Fetter'd beneath the Gallic chain.
 "What now shall save a sinking land?
 "I see in arms a people stand,
 "Stand where their great forefathers bled,
 "While Rome and all her legions fled,
 "And o'er their consecrated grave
 "The rescu'd flag of freedom wave.
 "Hark! 'tis the Empress of the main
 "Speaks, as she casts her shield o'er Spain:
 "Beneath my trident, strike the blow,
 "And boldly grasp the Gallic prow.
 "Beneath my trident free thy host,
 "Unyoke their strength on Funen's coast;
 "Assert the birth-right of the brave,
 "Conquer, or claim a patriot's grave!
 "With thee his sword the Briton draws:
 "Freedom is thine and Britain's cause.
 "Spain! though the ruthless fiend of war
 "Wheel o'er thy realm his scythed car,
 "Level with iron mace thy tow'rs,
 "And waste with flame thy peaceful bow'rs:
 "Though smoke with blood thy untill'd ground,
 "Palace and altar blazing round,
 "All is not lost: Yet, yet remains
 "Valour, that slavery's yoke disdains,
 "Honour remains, that nurs'd thy sires,
 "Vengeance, that roused Saguntum's fires:
 "To want, to wo, to death resign'd
 "Remains th' unconquerable mind:
 "The rocks, th' eternal rocks remain
 "The bulwark of Pelayo's reign:
 "The starry cope, the cold bleak sky
 "Sheltering the sons of liberty.
 "On every mount the weapon lies
 "That gain'd the Gothic victories,
 "Freedom—to man in birth-right giv'n,
 "Guard it—the rest confide to heav'n."

Outlines of a Plan for the Regulation of the Circulating Medium of the United States.

In a preceding article of this Number, we took a cursory view of the late proceedings of congress, and established, from the general aspect of our situation, the conclusion, that something must be wrong in the arrangement of our national concerns. We also undertook to investigate particularly the question of our finances, under the impression, that a solid system of finance is indispensable to national prosperity.

Finding, however, that financial power depends on an ample revenue, and on public credit, which is itself, in part, a consequence of the former, we thought that the task could not be well accomplished, without going back to the source of revenue, which is taxation. We, of course, briefly discussed the principles, and enumerated the characteristic features, of a good system of taxation, and then proceeded to pass in review, the different modes of taxation, which have been devised, carefully pointing out their defects, particularly as far as they have been adopted, or are intended to be resorted to in the United States.

We showed, that internal taxes on consumable commodities, besides violating in their operation, in a high degree, the fundamental principle of justice, are particularly incompatible with the character of our country, and government; that duties on imports,—less objectionable in many other respects—make the public revenue entirely dependent on foreign commerce, and thereby place a nation, which has no other resource, when assailed, or wronged by a maritime power, in the miserable dilemma, of being obliged to choose between impotent resentment, or ignominious submission. We finally endeavoured to prove, that a direct personal tax, properly organized, and always concomitant with the customs—so as to enable government, by a small increase of the rate of the former, at any time to supply a temporary deficiency in the latter—is the only one, strictly correct in principle, and congenial to our federal republic.

During this discussion we took it for granted, that the country is sufficiently supplied with a medium of circulation, but, remarked in the outset, that it forms an essential branch of the duties of the financial department, “so to regulate the circulating medium of the country, that an adequate supply of it, for the exigencies of the nation, never shall be wanting.”

Upon reflection, it has occurred to us that our disquisition must seem imperfect, did we omit to show in what manner this important object may be best accomplished. We have, therefore, resolved upon devoting a separate article to this topic, as one of no less importance to the public than those, which we have already handled, of the same nature.

Before we proceed, we must again request our readers to bear in mind, that a sufficient supply, of a good circulating medium, is indispensable, in order, both to render taxes *productive*, and public credit, *efficient*. There cannot, absolutely, exist any financial power without it.

Were a country ever so exuberant in wealth; were it flowing with milk and honey, yet could not taxes be paid in either; nor could its wealth be brought into action against an enemy, except through a circulating medium.

The more extensive a country, the more its wealth must, of necessity, be diffused: of course, the greater the difficulty of bringing it into action; the more decided the impossibility of bringing it *promptly* into action, unless there be a sufficiency of something, representative of that wealth, and coefficient with it, that can be quickly collected, and employed whenever wanted;—in other words, unless there be a sufficiency of circulating medium. It is, therefore, particularly indispensable in a country such as *ours*, and in *our* times, when the success of military movements depends so much on rapidity of execution.

A *metallic* circulating medium has *intrinsic* value. A nation not possessing mines of her own, has no legal means of obtaining it, except by exchange of commodities. The amount and description of these, produced at home, as well as the demand for them abroad, depend on circumstances, which, generally, cannot be considered as within the control of government. Of course, the supply of circulating medium, in this case, lies also beyond its control.

Governments have tried often, but always in vain, to bring money into a country, or to prevent its going off, when the situation of things had a contrary tendency. Under such circumstances, and in a season of war,—rapacity and violence, favoured by military success, have proved the only effectual means of replenishing the public chest; or else, forced circulations of fictitious values—precarious expedients, with bankruptcy in their rear,—have been resorted to: or poverty has compelled to submission and peace. A metallic circulating medium, besides many other inconveniencies attending it, is highly objectionable on this ground; and ought, by a nation

without mines, no more to be relied on exclusively, for purposes of circulation and loans, than customs for revenue. Both disappoint the country, and government, at the time when supplies are most wanted.

A contrivance, vastly superior, for purposes of circulation, to the use of the precious metals, is the use of paper, as a sign of credit, issued, without the interference or participation of government, on the security of individual property. Banks are the institutions, through which the issues of paper, thus qualified, are effected.

As soon as one, or more banks, have been established in a country, where, previously, circulation was performed by means of the precious metals, the notes, which they issue, and the transferable book credits which they grant, become the principal, and may be considered as almost the *sole* circulating medium. The precious metals, partly retire to the vaults of the banks, and partly leave the country.

This is the necessary result of two circumstances. The superior convenience of paper for the purposes of circulation, and the usefulness of coin, in its character of an exportable commodity.

As this position is of importance, and has been contested, we must dwell on it for a moment.

The first secretary of the American treasury was of opinion, that banks had no tendency to prevent the increase of the precious metals, or to banish them, in some degree, from the country. "A nation," he remarks, "that has no mines of its own, must derive the precious metals from others; generally speaking, in exchange for the products of its labour, and industry. The quantity it will possess, will therefore, in the ordinary course of things, be regulated by the favourable, or unfavourable balance of its trade; that is, by the proportion between its abilities to supply foreigners, and its want of them; between the amount of its exportations, and that of its importations. Hence, the state of its agriculture and manufactures, the quantity and quality of its labour and industry, must, in the main, influence and determine the increase, or decrease of its gold and silver.

"If this be true, the inference seems to be, that well constituted banks favour the increase of the precious metals. It has been shown, that they augment in different ways, the active capital of a country. That it is which generates employment; which animates, and expands, labour and industry. Every addition, which is made to it, by contributing to put in motion a greater quantity of both, tends to create a greater

quantity of the products of both. And by furnishing more materials for exportation, conduces to a favourable balance of trade, and consequently, to the introduction and increase of gold and silver.*

This argument, however, is defective. That banks—and the energies of credit, the rapid circulation, and greater punctuality, which attend them—multiply the products of industry, and of course the means of a nation to purchase the precious metals, cannot be doubted.—Whether it actually *will* purchase them, is a different question.

The nation certainly must dispose of its surplus produce. If it could not, industry would languish, and produce diminish. The surplus produce—whether natural, or manufactured—is therefore exported. But, for what will it be exchanged? If people, though becoming richer, were not inclined to increase their enjoyments; if they would not consume more, though able to buy more; if they were willing to work, for the mere pleasure of working; then an exchange of the exported produce for the precious metals might be a necessary consequence. But our merchants, who are the agents in this affair, and whose interests regulate the course of the different transactions, know better. They will not import the precious metals if they can avoid it—because their importation occasions expense, and brings no profit. They will, on the contrary, bring back every imaginable commodity, that can stimulate consumption—because by such returns they gain. The nation, therefore, enabled, on the one hand, to increase its enjoyments, by an accession of means; and tempted, on the other, by desirable objects, placed within its reach—inevitably consumes more, in proportion as it has more surplus produce to exchange, and no additional importation of the precious metals, will result from the process.

Specie will only be imported from places, which yield no other returns for produce sold. Produce will be the less frequently sent to those places, the dearer it is at home; because, unless the difference of price is very considerable, the operation can yield no profit, and will therefore be relinquished. But produce will always be dearer at home, if there is an abundance of convertible paper in circulation, than it would be if there were none. Of course, importations of specie will be so far less frequent.

Supposing even that, through the multifarious combinations of business this effect should be partially counteracted, and

* The Works of Alexander Hamilton, vol. I. p. 75.

that considerable importations of specie should take place, still will the specie, thus imported, soon emigrate, if it can be advantageously invested any where abroad. It is not in the nature of things, that a commodity of no use should be retained, if it can be exchanged for one, the possession of which is desirable; and a nation has hardly any, we may say, has no use for the precious metals, when it has learned to perform its circulation, more conveniently, more advantageously, and, above all, more independently, by means of portable credit,—of bank notes.

Banks, therefore, in the first place, necessarily lessen the quantity of coin which, *cæteris paribus*, would be in the country—if they did not exist. In the second place, they put the remaining coin out of circulation.

The introduction of banks, in fact, assigns to coin a new duty. It is relieved from that of circulating property; but the substitute, though in itself perfectly equal to the task,* labours under a want of confidence, particularly with those who are deficient in information, and coin is therefore required for its support.—A young practitioner, though superior, perhaps, in talents, to him under whose auspices he begins his career, would often find it difficult to maintain himself in business, but for the knowledge, among his employers, that the tutor is always at hand, to be resorted to on trying occasions. Coin is no longer necessary abroad, but it has a post assigned it, where prudence requires that it should always be found. It is no longer wanted in the field, but placed on garrison-duty, in which new situation its functions are by no means unimportant. The safety of the operations of the many thousands in active service, requires that the fast holds of the country should be well secured against surprise.

Thus we see that the introduction of bank paper, not only causes a smaller amount of the precious metals to be retained in the country, than would be retained but for its existence; but also that the amount remaining is proportionably taken out of circulation, inasmuch as they have stations assigned them, namely the vaults of the bank, whence they cannot be removed without imminent danger. Of course, we are warranted in the assertion, that after the general establishment of banks in a country, coin ceases to be, and bank credits, in the

* The present situation of England, in this respect, strongly corroborates the assertion. Notwithstanding all we have heard, for two years past, on the depreciation of the paper of the bank of England, the latest accounts mention, that exchanges improve, and gold falls. There was indeed by the last accounts, but a trifling difference between the market and mint price of gold!

shape of notes, or checks, become in reality, the circulating medium of the country.

Having established this point, we shall next examine, what ought to be the qualifications of a good circulating medium, particularly for the purposes of government.

Circulation implies a succession of transfers. A circulating medium consequently must be the more deserving of its name, which is expressive of its character, the wider the range, in which it is qualified to effect transfers.—Bank of England notes, Sicca rupees, Russia rubles, could not, in this country, effect a single transfer, though they might be disposed of, as a commodity, to particular people. A Savannah, a Newbern bank note, in Philadelphia, or New York would be as bad, if not worse. The English bank note might find a purchaser in a British agent; the rupees, the rubles, might be taken to a silversmith, but you could not procure a meal, nor escape a protest with Savannah notes.

Hence it follows, that a bank note is the more ineligible a substitute for coin, the more circumscribed its sphere of circulation. But, the respective sphere of bank notes will be the narrower, the greater the number of banks by which they have been issued: because it is the policy and interest of banks, in order to retain their coin, not to receive in payment any other notes, except their own, and those of banks at the same place, which regulation prevents notes of distant banks from having circulation within their precincts. Hence bank notes generally, must be the more ineligible a substitute for coin,—which they nevertheless cause to disappear—the greater the number of banks, by which they have been issued.

In regular times no great inconvenience arises, to private citizens, from this defect of our bank notes, in their character of circulating medium; because the business between the different states is mostly settled by exchange of commodities, creating drafts of one merchant on another, which exchange of commodities, the maritime situation of the principal towns, in each, singularly facilitates; and the business of the towns with people in the interior country, whose produce they receive, whose wants they supply, is then also steady; so that their respective transactions can be mostly settled, without forcing any bank notes out of their usual circuit.

The general government, however, cannot fail to experience, even in regular times, some embarrassments on this score. The receipts of the revenue, as derived from customs, take place along a seacoast, fifteen hundred miles in extent. The distance from each other, of the customhouses at the two

remotest points, in a straight line, is hardly less. The merchants, spread over all this ground, can only pay the duties in such money as they have, namely, each in bank notes, current where he resides. Of course, the revenue, after having been collected, still remains scattered. Massachusetts notes, Rhode-island notes, Louisiana notes, Georgia notes, &c. can only be employed in their respective states. It becomes necessary for government, not only to keep accounts with a number of banks, all over the Union, but also to adapt, in some measure, the local disbursements to the local receipts. This may be practicable, though unavoidably attended with inconvenience and risk,—in regular times, and as long as the transactions of the treasury continue very limited, in their amount, and simple in their nature. But it would become impracticable to manage, in this way, affairs of greater magnitude, as the country advanced in wealth and power; and, even in their present state of simplicity, the necessity of such proceedings would be fraught with the most serious consequences, during a period of unusual expenditure, occasioned by civil commotions, or war.

The effect of such events is always to derange the usual routine of business,—to disturb the ordinary course of circulation. The notes of one bank will be forced within the sphere of another. Received there from necessity, and unfit for circulation, they will be collected, and taken to the place, where they were issued, to be exchanged for specie. The banks, foreseeing this contingency, will be aware, that their limited specie funds, cannot safely maintain in circulation the same amount of paper, during such a period, as in times of perfect tranquillity. Prudence, and regard for their interest, will oblige them to reduce their discounts. Circulating medium will become scarce, at the critical moment when it should abound. Private individuals, as well as government, must suffer from this state of things.

The banks will be aware, that the general government must be unable, during war, to adapt its local disbursements, to its local receipts, with the same facility as during peace. The question of a loan to government, by individual subscription, will, therefore, put them particularly on their guard, and the scarcity of circulating medium, which the superior commands of self-interest, and perhaps their duty towards government itself, oblige them to create, may defeat the loan.

To convince ourselves that this is no dream of a gloomy imagination, let us remember that the general government has at this moment, previously to any loan, deposits, in the

Farmers' and Mechanics' bank of Philadelphia, to the amount of nearly six hundred thousand dollars, when we know the specie of this institution, from their own statement, hardly to exceed three hundred thousand dollars. Suppose the proposed loan were to increase the balance of the government-account in this bank by half a million more—in what situation will be the government?—in what the institution? The government—unless it take care to expend these funds entirely within the sphere of the bank, will cause it to fail, and may loose the greatest proportion; if the precaution be impracticable—the funds will be useless.

Must we not suppose that all banks, more or less, are in a similar situation? Have they not all conducted their business under the same temptations, or influenced by the same motives, of necessity or complaisance, with regard to their customers? must we not presume that our directors are not inferior, in prudence and sagacity, to any?

But suppose that patriotism—ill understood,—or the sapient injunctions of a profound state legislature, here and elsewhere, overcome the prudential reluctance of bank-directors;—that they discount freely; that circulating medium becomes plenty; that the loan takes place;—then, of course, government will become possessed of eleven millions of dollars, scattered between Massachusetts and Georgia, and only receivable in the respective bank notes of the several states.

Suppose, that under these circumstances the Copenhagen scene should be renewed before New York—which we trust will never happen—of what avail to government, would be New York bank notes?—If Massachusetts should be invaded from Canada, or an insurrection take place among its inhabitants—what use could be made of the right to draw on the banks at Boston?—If another rising among the slaves in and around Richmond—who have already risen twice—should convulse that city—of what advantage to government, would be Virginia paper? If a solitary British seventy-four should blockade the mouth of the Mississippi—could government purchase a single barrel of flour for a bill on New Orleans? It might as well have funds in the moon!

Thus it may happen, that government, even after a successful loan, only finds itself enriched with a debt, remains as empty-handed as before!

We appeal to the intellect of our readers, whether imagination can conceive a financial situation, more consummately precarious and miserable than that which we have just described.

Of course, we cannot resist the conviction, that no circulating medium is fit for the purposes of the general government, except one, the circulation of which is coextensive with the Union, and such, in our country, can only be the paper of a powerful national bank.

But a national bank would be unconstitutional. This was the objection of Mr. Jefferson, then secretary of state, when General Hamilton proposed the first plan of a national institution of this kind. There is a peculiar propriety in calling to mind, at this moment, the ground on which it was then attempted to support this objection.

The words of the constitution, relating to this subject, are, that congress shall be authorized "to make all laws *necessary* for carrying into execution the powers with which it is specifically vested, and all other powers, vested by that instrument in the government of the United States, or in any department or office thereof."

The secretary of state argued, that this clause of the constitution, under which the legality of the projected institution was attempted to be defended, could not support it, because the word "*necessary*" did not here mean—needful, requisite, incidental, useful, or conducive to—as Hamilton contended, but *absolutely, indispensably necessary*, so necessary that the thing could not be done, in any mode or manner, without.

Against a political measure of vast importance, the secretary of state took his grammatical stand. Against a national bank—intended to encourage industry, to aid revenue, to support public credit, to secure financial power, to cement the Union—he argued from a dictionary?*

But, if at the period alluded to—when there existed but three state banks, when bank paper could not yet be considered as the general circulating medium of the country, if even at that period the paltry grammatical ground could hardly be supported with a colour of plausibility—how much more untenable must it *now* be, when the want of coin, and the abundance of paper, multifarious in form, and confined in operation—threaten to place government in a predicament such as has been stated above?

Taking it then for granted, that the constitutionality of a national bank could not, particularly at this day, be rationally questioned; and referring those of our readers, who may en-

* The Works of Alexander Hamilton, vol. i. p. 118.

tertain any doubts on this point, to the masterly paper of the first secretary of the treasury, in which it is fully discussed; we shall proceed to advance some ideas concerning the particular organization of such an institution, most conducive to the interests of government, and of the nation at large.

In order that we may be well understood, it is necessary for us to premise a few general observations.

Extensive banking operations do not require the actual employment of a large capital. Their vital principle is confidence and credit. The essential qualifications of those who engage in them, are great responsibility and great prudence. Great means are, therefore, not required for any *direct*, but for their *indirect* service, in *establishing responsibility*.

Discounting is the process which brings bank notes into existence and circulation. The real, and regular basis of their solidity, is the substantial property of those whose promissory notes, or bills, are discounted. A body of directors, of notorious omniscience, and unquestionable integrity, might establish a bank without a cent of capital, and their notes would, notwithstanding, command an unlimited confidence, and circulate freely. Since omniscient directors cannot be found, and since among the best, some may be frail, the confidence of the public cannot be perfect, unless those, who engage in the business, are possessed of a capital. This capital is the guarantee of the public, against the bad consequences of any mistakes of judgment, or possible deviation from strict propriety of conduct.

The *specie* of a bank, rigorously speaking, is not more essential to their business, than their general capital. Their business, in concise terms, consists in facilitating, and expediting transfers of property, by the cheap and convenient means of credit. They create credit, on value pledged to them. They give this credit a convenient shape, by expressing it on the face of a bank note. With these bank notes the public deals. All this, strictly, requires neither specie, nor property. It is a mere affair of agency, for the well conducting of which judgment—beyond liability to mistake,—and integrity beyond the reach of corruption, would be alone sufficient. A general capital, or the possession of *property of their own*, is necessary with the institution, for the *indirect* purpose of affording a guarantee against the evils, that might arise from mistakes, or misconduct. *Specie* is requisite as a *summary evidence* of the existence of this guarantee.

A countryman presents himself at the bank, and says—
“ Here, I have some of your notes. I am going to settle be-

yond the mountains. May I be well assured, that I am safe with them, and that they will always serve me as money?"—The answer would be—"You may, because we understand our business; we never issue notes except on good security; we are honest men, and we have besides a capital of our own.—But it is a more energetic, a plainer answer, to say—if you doubt it—take *this*," and to show him the silver. It is a better "argument to the man," an argument that addresses itself to every capacity; which is not subject to misconception, or misrepresentation.

A practical proof of the truth of this position, that capital and specie are not rigorously essential to the business of banking, is afforded by the modern history of the bank of England.—The capital of this institution, for an age back, has been in the hands of government. Its specie, since fifteen years, has nearly disappeared. Yet, so momentous are the operations of this bank, that it successfully supplies the British nation with circulating medium, in its own notes, to the amount of no less than one hundred millions of dollars, which serve, moreover, as the basis of a new superstructure—the issue of country bank notes to the amount of one hundred millions more.

Thus then—the general capital of a bank serves the purpose of guarantee; the specie, the purpose of a summary evidence of that guarantee. The latter is an argument of solidity, unanswerable, expeditious, within the reach of every comprehension. It is therefore *expedient*, and *highly proper*, that both should exist, though neither is indispensable.

If the notes of a bank had a *universal* currency—then specie would never be wanted, except to form the summary evidence. It would never be appealed to, except as argument. If their currency is *confined*, then specie may also be called for, as we have seen above, from motives of convenience; because it will answer the purpose of effecting transfers, in places where the notes would be useless.

If a traveller, setting off from Philadelphia for Savannah, can supply himself here with bank notes which will be received all the way, he will take them. But he will rather supply himself with half eagles, than be obliged to exchange his travelling money every hundred miles.

Hence the more extensive the circulation of the notes, which a bank issues, the more exclusively will the use of specie be confined to the sole purpose of occasionally establishing the summary evidence. When their circulation is confined, an additional supply must be kept, to meet the demands of convenience.

But the circulation of bank notes becomes confined, in proportion as banks multiply.

The greater, therefore, the number of banks, the larger ought to be their respective specie funds.

The more specie a bank is obliged to keep in its vaults, the less the business of banking is profitable.

Consequently, when banks become very numerous, they become also, either less profitable—if prudentially conducted,—or less safe—if the dictates of prudence are violated, which is what will most generally happen.

Besides, not only will *convenience* oftener compel a demand for specie, when the abundance of banks has impaired the aptitude of their notes as a substitute for coin; but specie will also be liable, in this case, to be more frequently appealed to as *argument*. With the number of banks, must increase the chances of mismanagement, or of a disordered state of affairs, from local causes, among which we may reckon invasion by an enemy. The more, therefore, will the confidence in bank paper generally, be subject to be shaken, and the greater the necessity of being always abundantly provided with the *argument*. If this precaution is neglected, by those who manage these institutions, a few untoward events may throw the whole country into confusion, beyond the possibility of re-establishing confidence and order.

Thus, we think, it is positively, and irresistibly proved that a multiplicity of banks, either endangers the solidity of the whole fabric of credit, and the general prosperity depending on it; or else compels the keeping of so much specie, that one of the leading objects for which banks were contrived, and which constitutes their chief usefulness—to obviate the necessity of specie—is defeated.

And it is apparent from all our preceding observations, that the public interest—which is the interest of the revenue, and of government,—requiring a real substitute for coin, a circulating medium of extensive currency—as well as the general prosperity—with which banks whose solidity is precarious are inconsistent—demands the existence of a powerful national institution, and demands, in strict theory, that there should be but *one institution of this kind*.

The framers of our system of polity wisely provided one social compact—the constitution, the source of all rights, all institutions, all laws; and one executive head—the ultimate reliance of the whole empire for security and protection. There is wanting, one main financial organ—the steady prop of

industry, commerce, civilization, and of government itself. Without it, a body politic, of the nature of ours, remains deficient in one of the essential requisites of durable vitality.

On the other hand, banks are of a peculiar utility to the people within their immediate sphere. They enable such, as are possessed of property, to command, by pledging it, through the means of promissory notes, any quantity of circulating medium, for which they may have occasion, at a moderate interest, for any period of time. Thus they enjoy a facility in the prosecution of business, of which people remote from the banks, who cannot raise money so readily, are in a great measure deprived.—Individual interest, therefore, supported in some degree by equity, demands the multiplication of banks, while public interest, and the permanence of general prosperity, forbid it.

As in the case of revenue, we find a clashing between what is most conducive to the rapid attainment of private wealth, and what comports best with the public good. Those who are zealous for the indefinite increase of banks, from philanthropic or private motives, and the state legislatures—so much disposed to countenance the same system,—have their imaginations engrossed with such considerations alone, without being aware, that, by yielding to them indiscriminately, the whole machinery of circulation by means of credit, and with it general prosperity, revenue, financial power, tranquillity at home, respectability abroad, national greatness—are ultimately placed in the most imminent peril.

In the case of revenue, perfection, as we were told by *Burke*, lies in the preservation of a proper balance. We have endeavoured to point out the mode of taxation, which would, under our general circumstances, be most conducive to this end. Is there no mode of reconciling individual interest, and the public weal, with regard to circulating medium and banks?

We think this important object might be attained, by instituting one powerful national bank, whose notes should be at all times exchangeable for specie, and by causing all other banks to render their notes exchangeable for national notes, or specie, at their own option.

That this arrangement would be efficient, is evident at first sight. As no payments could be exacted from the local banks, in exchange for their own notes, except payments in national paper—unless they choose to pay specie—national bank notes would of course become as current all over the Union, as hard dollars are at present, because no bank would refuse to receive

them.—As the local banks need not keep a larger amount of national paper, than they do at present of specie, their profits would remain unimpaired.—As, on extraordinary emergencies, supposing the state of their affairs to be sound, a supply of national paper could always be obtained from the national institution—their safety would be greater.—As, in cases of invasion, insurrection, and the like, they would not have so much of cumbersome treasure to transport, and to save, as at present, these events, were they to take place, would not be attended with the same disastrous consequences as under the established system.—Individuals, possessed of substantial property, could be accommodated with circulating medium, whenever there should be a sufficient number in a neighbourhood to support a local bank, without exposing the community at large, to any of those serious evils, with which we have proved the multiplicity of banks to be now pregnant.—Much less specie would be wanted on the whole, than is wanted at present, and yet, the aggregate currency of the country, would receive, from the *ultimate evidence*, a support, equally unequivocal, and infinitely less liable to be endangered by inauspicious events.

The advantages, which would attend this plan, cannot be doubted. Its practicability our readers will be more readily disposed to admit, when they reflect, that the same thing, in fact, exists in England, where innumerable country banks, circulate their own notes, payable, on demand, in notes of the Bank of England, or what amounts to the same, in bills on London.

What indeed could render it impracticable? Specie demands for purposes of convenience, would totally cease;—because the convenience, afforded by national paper, would be superior to that of specie itself. Specie demands, from want of confidence, would be converted into demands for national notes, the convertibility of which into coin, would be so firmly established by the nature of the national institution, by public opinion, and the *ultimate summary evidence*, that every one would consider it as equal to specie itself.—Should a Bonaparte at our door, a world in convulsion, cause an unexampled suction of specie, and leave us exhausted—still would the machinery of credit perform its revolutions undisturbed.—Gold and silver, for purposes of exportation, would become articles of merchandise, in which the banks would continue to deal.—In order to keep in circulation a certain amount of specie and preserve at the banks the metallic exhibition, it would only be required, that none of the banks should issue notes below a

certain sum—say three, or five dollars.—We cannot discover that this plan would militate against any interests whatever, whilst it would powerfully *support* and *secure*, the most important interests of government, and the public at large.—We, therefore, see no reason why it *might* not be carried into effect, and we think that it *ought*.

The following appears to us the most convenient mode, in which its execution might be attempted.

Let a national bank be established, with a capital of thirty millions of dollars.

Twenty millions to be subscribed by the general government.

Ten millions by individuals.

The subscriptions of the latter to be totally furnished in gold and silver.

The subscription of government to remain a debt, demandable in case of need. The institution can have no occasion for the actual payment of this subscription, in the regular course of things; since, as we have seen, the use of the capital of such an institution, is only to guarantee responsibility; which guarantee is as effectually afforded, whether government actually pay up its subscription, or only remain liable.

The term of the charter—the duration of the constitution.

The payment of a bonus, taxation of the capital, of dividends, stamp duties on the notes, and the like—by charter out of the question.

The directors—solely to be chosen, by the individual stockholders in the usual way. All interference of the government, in the management of the concerns of the institution, by appointment of directors or otherwise, would be injurious. “The keen, steady, and, as it were, *magnetic* sense of their own interest as proprietors, in the directors of the bank, pointing invariably to its true pole, the prosperity of the institution, is the only security that can always be relied upon for a careful, and prudent administration. It is, therefore, the only basis, on which an enlightened, unqualified, and permanent confidence can be expected to be erected and maintained.”*

The notes of the institution to be payable on demand, in specie.

* The Works of Alexander Hamilton, v. i, p. 96.—The conduct of some state legislatures, and chiefly that of the legislature of New Jersey on a late

All payments to, and by government, to be made in national notes.

National bank notes to be legal tender, and their genuineness to be established by reference to competent authority.

Government to be intitled to no more than one half of the profits; so that each individual stockholder would draw one and a half dividend per share. This will be proper, because the individual stockholders will have their funds actually engaged; the general government will draw dividends only in consideration of its guarantee, charter, giving extensive circulation to the notes, &c.

The institution to have a right of establishing branches, wherever they may think proper. These branches to discount with their own notes, payable on demand, in national notes, or specie, at their option.

These are the outlines of the plan of a national bank, such as we have in view. Let us cast a rapid glance on its probable operations.

With a capital of thirty millions, and a specie fund of ten millions, the institution might, with great propriety, employ their credit,* to the amount of thirty millions.—We request our readers to bear in mind, that we speak of a perpetual bank. If it could not do business to the extent mentioned, immediately, its means, nevertheless, would be soon no more than commensurate with the exigencies of an increased, and more opulent population.

Of these thirty millions, fifteen, perhaps, would be employed in discounts by the mother bank.

With the remaining fifteen millions, five branch banks might be established, each with a capital of three millions, in national notes.

Supposing these to employ their own credit to the amount of six millions each, then the aggregate amount, of the discounts of the branches, would be thirty millions. The discounts of the mother bank we have stated at fifteen millions. Of course the institution would draw profits on a sum employed in discounts, amounting to forty-five millions.

The discounts of the late bank of the United States, with its branches, averaged about fifteen millions, which enabled

occasion, after Hamilton had thus written on the subject, bespeaks a wanton neglect of duty, or an unpardonable degree of ignorance.

* We prefer this expression, as it includes both—bank credit, given on the books, and notes issued.

them to divide eight per cent. on ten millions, or eight hundred thousand dollars, which is five and one third per cent. on fifteen millions.

The expenses of the new institution, and its branches, would scarcely be greater. Consequently, if fifteen millions, employed in discounting, yielded annual dividends to the amount of eight hundred thousand dollars, forty-five millions would yield two millions and four hundred thousand dollars: which would bring a revenue to the general government of one million and two hundred thousand dollars annually.

We must moreover observe, that, after the new plan of discounting with national notes has been once introduced by the branch banks, all the incorporated banks, now existing, will gradually fall into the same plan, prompted by their own interest, because they will find it more convenient, more safe, and cheaper. If the terms of their charters present at first a difficulty—they will cause them to be modified. They will then apply to the national bank for their notes—because they will find this more suitable than to purchase them for specie—which the national bank will furnish, either by discounting their promissory note at twelve months, drawn in their corporate capacity, or on some other expedient plan, that may be devised; and the national bank will thus have an opportunity of employing all the national paper it can with propriety issue!

We have yet to say a word on *public credit*.—Its elements are, an ample revenue, and an inviolable observance of good faith. To these an additional support has been added in modern times; called a *sinking fund*, which, under the steady form, which the *new sinking fund* has assumed in England, since first proposed by Mr. Fox in 1792, is nothing else than a regular provision for the gradual discharge of a public debt, coeval in its operation with the creation of the debt itself. Each contracted portion of debt, acquires, thereby, a fixed term of extinction, like our late six per cent. stock.

Viewed on general grounds, this is certainly an admirable arrangement; because it exempts the discharge of public debts, even from the possible capriciousness of legislative appropriations. Every contrivance, which gives *steadiness* to the operations of the government, is, for that *sole reason*, highly beneficial, and approximates its character to the wisdom of nature.

When, therefore, the Secretary of our treasury observes—
“No artificial provisions, no appropriations or investments of particular funds in certain persons, no nominal sinking fund, however constructed, will ever reduce a public debt, unless the

net annual revenue shall exceed the aggregate of the annual expenses, including the interest on the debt,"* we agree with him in the general correctness of the sentiment. There is no real amelioration of circumstances, no general reduction of debt, as long as the new loans contracted, must be proportionably larger, on account of old loans paid off. On the face of the case, it would have been as well to pay off less, and to borrow less.—But, if he concludes from this, as we must suppose that he does, since no provision for a sinking fund has been attached to the contemplated loan, that sinking funds are useless, we cannot help thinking, that he errs, and that he pays too little attention to general principles, and to the vast political importance of *steady* measures.

Believing ourselves that sinking funds are of great importance, and that their establishment, or, in other words, the establishment of legislative provisions for the steady, and gradual discharge of public debts, coeval with their creation, should become a fundamental law of the financial code of the Union, we could still wish the following regulations to be incorporated with the law creating the national bank.

Government, by the tenor of the constitution of the national bank, should be debarred from ever applying the annual amount of its dividends, to any other purposes than the discharge of the principal of the public debt, in conformity with eventual legislative provisions to that effect.†

When not so applied let the institution be bound to invest the amount in gold and silver, to be retained in their vaults, the more to increase the solidity of the establishment.

Finally, it would be expedient to enact, that the rates of discount shall be lowered, agreeable to a certain fixed ratio, in proportion as the unappropriated funds of government, in the national bank, accumulate.

With a system of taxation, that could never fail to be productive, such as we have proposed, gradually introduced; with a currency—convertible, abundant, and of general circulation; with a pre-organized, constantly augmenting sinking

* See the Report of the Secretary of the Treasury of the 10th January, 1812.

† Dividends, to the amount of one million of dollars per annum, thus applied, would extinguish in twenty-one years, forty millions of debt at par, if funded at six per cent., and the interest payable yearly. If payable every six months, or quarterly, the process of extinction will be more rapid in proportion.

fund; with unbounded credit—such as must necessarily result from the above circumstances, and moreover supported by a well-constituted, national bank—what might not be our financial power? With our customhouse duties annihilated; our resources of whisky taxes, &c. &c. untried; our public credit, equivocal; holding sinking funds, in contempt; deeming a national bank unnecessary, and, therefore, unconstitutional; so circumstanced every way, that even a successful loan may enrich us only with a debt, and leave our hands as empty as before—how great is our financial impotence!

Memoir on the Affairs of Spain.

WE are about to present our readers with a brief Memoir on the circumstances of Spain at the commencement of the struggle, in which she is now engaged. It was written in the autumn of 1808, by a gentleman, who had been an eye witness, of the transactions at Bayonne to which he refers, and who resided,—as well there as in Spain,—under auspices which opened to him the best possible sources of information. The most entire reliance may be placed on the facts he communicates. We have but to regret, that considerations of a private nature, have rendered it necessary for him, to suppress a multitude of others still more curious and important. The Memoir, even in its present shape, was not originally intended for the press. The manuscript in our possession is autographical, and of unquestionable authenticity. This document will be deemed valuable in an historical point of view, and we are anxious that nothing should be lost to the world, which can serve to throw light upon a subject destined, we have no doubt, to form hereafter, the most interesting and instructive portion of human annals.

We do not fully coincide with the author, in his enthusiastic admiration of the conduct of the Spanish nation, nor in his sanguine anticipation of the final discomfiture of her oppressors. Yet he is one to whose opinion we would readily subscribe, in any case where our own judgment was not almost peremptory, and we must confess that he has displayed a very imposing sagacity, in his predictions concerning the progress of the Spanish struggle, to its present stage. This is not the place for us to inquire into the aspect which it may hereafter assume. It would be now, after what we said elsewhere, worse than idle, as indeed it must be at all times on this subject, somewhat presumptuous, to attempt to draw back the curtain of futurity. If any *positive* prophecies are allowable, they are certainly those that accord with the vehement aspirations of every honest heart, and tend to raise the spirit of philanthropy which may be said, together with “the best hopes of our better nature,” to droop and die away, under the prospect of a sinister dispensation of the Almighty Providence, in the case of the Spaniards. At every such cheering augury, coming from a quarter to which deference is due, we most heartily rejoice, and are ready to ejaculate with the utmost fervency of desire,—“*quod felix faustumque sit.*”

If any thing extraneous to the present Memoir, and more specific than the *general* act of the invasion of Spain, could heighten the horror which they are calculated to excite against the French government, in the breasts of our readers, we would remind them of the letter of Bonaparte to the prince of Asturias, published in the first number of our Review. There is also another state paper from the same source, and subversive to the same end, to which we would claim their attention. We allude to an official message of Bonaparte when first consul, addressed to the legislative body, and the tribunate of France, wherein he holds the following language, on the subject of the elevation of a Spanish prince to the dukedom of Tuscany. "After having," says this grateful ally, and disinterested champion of freedom, "restored the ancient limits of Gaul, it was incumbent upon the French people to restore to liberty, nations connected with them by a common origin, and by the tie of mutual interests and congenial manners. The liberty of the Cisalpine and Ligurian republics is therefore assured. *The French people had yet another duty to perform, imposed both by justice, and generosity. The king of Spain has been faithful to our cause, and has suffered for it. Neither our reverses of fortune, nor the perfidious insinuations of our enemies, have been able to detach him from our interests; he will meet with a just return: a prince of his blood is about to ascend the throne of Tuscany.*"

In another message, announcing to the same assemblies, the conclusion of the treaty of Lunéville, there is a passage of a like tenor, which equally deserves to be quoted.—"The republic owed it to its *engagements*, and to the *fidelity* of Spain, to make every effort to preserve entire the territory of the latter. This duty she fulfilled in the course of the negotiation with all the energy which circumstances allowed. The king of Spain has acknowledged the fidelity of his allies, and in his generosity has made that sacrifice to peace, from which they laboured to exempt him. *He acquires by this conduct new titles to the attachment of France, and a sacred claim to the gratitude of Europe!!*"

MEMOIR ON THE AFFAIRS OF SPAIN.

The affairs of Spain attract, at this moment, the attention of all Europe. They excite an interest, the more lively, the more it is attempted to envelop them in mystery. Besides, it was generally expected, that Spain would occasion no greater difficulties than Portugal; that the French government would only have to order its troops to take possession, in order to acquire an absolute sway over this fine country. The situation

of Spain, at the time, gave to these conjectures, a great degree of probability. Her finances were exhausted by the constant drain, arising from the demands of the French government, and by the considerable expenses, required for the support of her army and navy. By far the greatest proportion of her regular forces was removed, and dispersed, either in the north of Germany, or in Portugal. The administration of the public concerns, exclusively in the hands of the Prince of Peace, had become odious, and contemptible in the eyes of the nation, and relaxed all the ties which attached it to the crown. Under circumstances so deplorable, it was natural to imagine, that Napoleon, freed by the treaty of Tilsit from all apprehension of interference on the part of Russia, would encounter few, or no obstacles in his project to master Spain.

Such was certainly the opinion of Mr. Beauharnais, ambassador of France at Madrid. But he was grossly mistaken, when he took the universal hatred of the Spaniards against the Prince of Peace, for a disposition favourable to a change of dynasty; an idea which, nevertheless, prompted the French government to relinquish the original plan of reducing Spain by gradual encroachments, in order to strike at once the decisive blow.

The event, however, did not entirely correspond with the calculations of Mr. Beauharnais. The occurrences at Arranjuez, on the 6—18 March, electrifying, as it were, the Spanish nation, rekindled their predilection for their legitimate sovereign, and their aversion to foreign dominion. The grand duke of Berg became convinced of it, from the moment he entered Madrid, and the disgrace of M. de Beauharnais was one of the first consequences of the disappointment.

The French journals vied with each other, in representing the insurrections, which broke out in several Spanish provinces, immediately after the transportation of the royal family to France, as assemblages of a factious mob, inimical to order, which the approach of French troops would promptly disperse.

Having traversed the greatest part of Spain in the months of May and June last, I made it my particular business to observe the true state of things. All that I myself saw, or was able to collect from persons, highly respectable, and worthy of confidence, I shall faithfully state in this narrative.

As soon as I entered Spain, I had occasion to perceive that public opinion, roused by the recent occurrences, was by no means favourable to the French. Nay more,—the animosity of the Spaniards against their perfidious allies (for it is thus they in-

titled them) went so far, that every stranger was exposed to insult, merely on the suspicion of his being a Frenchman. I experienced this myself, on the day of my arrival at Badajoz. Being taken for one, I had the grossest abuse lavished on me as I passed through the streets, and should not have escaped serious injuries, which were threatened, but for the declaration of the soldier, who escorted me, that I was not a subject of Napoleon.

The same disposition of mind was equally manifest at Madrid. During a stay, which I made there, of two weeks, I had many opportunities of satisfying myself, that the effervescence was at its height, and that the inhabitants, far from being dismayed, by the unfortunate termination of the affair of the second of May, and the butcheries which succeeded,* felt them, on the contrary, as an additional grievance, and a new stimulus to hate. Rage half stifled, was legible in every face; exclamations of vengeance were ready to burst from every lip.

The French, who had imagined, that, by an act of severity they might impress the inhabitants with terror, and prevent further commotions, were soon convinced of their error. The batteries of heavy ordnance, and mortars, which they were seen to erect, with no small activity, in the Prado, bespoke their fears; whilst, on the other hand, the numerous patrols, constantly marching through every part of the capital, gave it the appearance of a besieged town.

The massacre of the second of May—with what other name can the occurrences of that day be designated—was the signal, at which several provinces, such as Andalusia, the kingdoms of Valencia, Mercia, Arragon, &c. broke out into open revolt. This news had scarcely reached Madrid, when the Walloon guards, and other troops of the line, with which it was garrisoned, were seen to desert in large bodies, to join the insurgents. Desertion was so common, that a regiment of cavalry, of which I do not recollect the name, found itself reduced to four men, at the time of my departure from Madrid. The spirit of insurrection pervaded Spain with such rapidity, that the French army, in less than a fortnight, found two

* The day after, the French officers stationed themselves in every part of the public walk, known under the name of Prado. They stopped without distinction every body that passed, women as well as men, searched them, and caused all those to be shot instantaneously upon whom they found any thing in the shape of arms, even a penknife. I have this fact from two French officers, who had a share in the massacre. From them also I learned that a certain colonel *Frederic* of the Imperial guard, boasted of having himself singly, caused more than 150 persons to be shot!

thirds of the nation marshalled as it were against it. It may not be useless to mention here, what occurred at Seville, when the inhabitants declared themselves in favour of the national cause. They went, in a body, to the cathedral, headed by all the clergy of the town. The holy sacrament was then brought out, and the people swore on the host, to defend themselves to the last extremity, to abandon, to burn the town, should they be overpowered, rather than submit to the law of the conqueror.

The French government were then taught by their own experience, that the same means do not produce in every country the same results; that measures, styled *energetic*, may prove successful with a people corrupted, and debased, but that they are of no avail with those, who have preserved a sense of dignity.

Never did a modern nation display its own more brilliantly, than did Spain at the period of which I am speaking; and this too, under circumstances, such as must have made the cause appear desperate, even in the eyes of the most determined. Betrayed by a minister, whose very name has become a term of opprobrium, and whom she had seen abuse the unlimited confidence, with which he had been invested by her sovereign, and deliver to the enemy, the frontiers, the armies, and the fleets; abandoned by her rulers, who concealed from her, to the last moment, the perilous situation of the kingdom; attacked, unawares, in her very vitals, by a formidable army, doubly strong from renown;—under such circumstances, when it was least expected, the Spanish nation resumed her ancient virtue, and at this appalling crisis exhibited to astonished Europe, an instance of courage, of loyalty, nay, what is more, of fidelity to her sovereigns, which these but little merited, and of which it would be in vain, to seek another example, in the history of the world. It would seem as if the Spanish nation had been anxious, by this heroic effort, the more fully to make amends for her long and inglorious lethargy.

I cannot forbear, while on this subject, combating an erroneous opinion, which the French government endeavours to disseminate by every possible means, and which finds many abettors in the north of Europe. It is insisted, that the recent events in Spain, are entirely owing to religious fanaticism.—Religious opinions cannot be denied to have had a share in them; but, if we examine attentively the course, which the insurrections took in the provinces, the prevailing sentiment, which directed the first movements, and the uniformity, which is every where perceived in the object; we shall be convinced

that other causes, equally powerful, must have contributed to this general combination. These causes, I am inclined to think, arose in a great measure, out of the little progress, which the modern principles, spread by the French revolution, had made in this country. Nor ought this to excite surprise. From temper averse to innovation, the Spaniard resisted the seductions of the new doctrine the more readily, as it was preached by a people, against whom, he at all times cherished a strong hereditary antipathy. This doctrine, besides, did not meet, in Spain, with the same favourable predispositions, as in other countries, where a taste for literature was more generally diffused. In consequence, therefore, of their fortunate ignorance, the Spaniards, notwithstanding their proximity to the revolutionary focus, preserved their ancient moral character. They preserved their respect for legitimate authority; their attachment to the person of the sovereign, as well as to their early political, and religious ideas. Thus it happened, that in Spain, the government and the nation remained united, when almost every where else, the ruling authorities found themselves dissociated from the governed, by reason of the revolution, which the doctrine in question had operated in the minds of the latter; a revolution which accelerated the downfall of so many states. A sufficient proof of the correctness of this observation, is to be found in the patience, with which the long administration of the Prince of Peace was endured—an administration on which public opinion, at an early period, had pronounced judgment of reprobation.

To the joint agency of several causes, therefore, and not to the fanaticism of the priests alone, must we attribute the extraordinary spectacle, which the Spanish nation offered to the world, by rising *en masse* to repel a foreign yoke.

Of all the events which signalize the annals of a revolution, of which no mind, as yet, can explore the end, certainly those which have recently occurred in Spain, furnish the most consoling picture to the lovers of order and of justice. Besides the many thrones, which, since the fatal epoch of this revolution, have fallen to the ground, overturned by the people themselves, or in their name, we have seen some crushed, as it were, by the sceptre itself, as in Prussia, and in several other states of the Germanic empire. What, however, we had not yet seen, was a whole nation, rising in order to support the tottering throne of her legitimate sovereigns, and to renew to them the oath of fidelity, at the very moment of their destruction. This noble example was reserved for Spain; for a country, which the authors of the age have so cruelly calumniated.

That we may be the better able to appreciate justly the credit due to the Spanish nation for this conduct, it will be necessary to state the forces, she had to contend with, when this general insurrection took place.

According to the most accurate estimates, formed in the country itself, the number of French troops in Spain, amounted in the beginning of the month of June, 1808, from seventy-five to eighty thousand men, without including the armies in Portugal, composing a body of twenty, to twenty-five thousand men. These forces must have been deemed sufficient, by the Emperor Napoleon, for the execution of his projects. Master of all the frontier towns, of which his troops took possession, in virtue of passports, signed and delivered by the Prince of Peace, in his character of generalissimo of the kingdom; master of Portugal, on which he seized by the same means, which brought so many other countries under his yoke, Napoleon had a right to expect, that he would be able to reduce Spain before she should have had time, to organize any defence whatever; for, all her regular troops, dispersed throughout her various provinces, scarcely amounted to thirty thousand men. If there be those, who,—judging of measures by the issue—still think that even in this state of things, it was imprudent to undertake the conquest, of such a country as Spain, with eighty, or a hundred thousand men, I would observe to them, that, at the period in question, the object was not so much conquest, as the completion of a scheme of surprise: That, to this end the Prince of Peace had already made the most important advances, in delivering Spain bound hand and foot to the enemy; and that Napoleon, with the example of so many other nations before him, who had, with more means of resistance than Spain, submitted, notwithstanding, with docility to his dominion—could hardly form a better idea of the character, and the fortitude of the Spaniards!

The same apology cannot be made for the object of this enterprize; for, viewed in any light, it must always appear equally absurd and odious. Since the treaty of Basle, in 1795, France disposed of Spain at her pleasure. Bent on the destruction of the victim, she preyed on its resources with an avidity, which could leave no doubt, as to the approaching catastrophe, of the total inanition of the kingdom. If, therefore, Napoleon wished to secure Spain for ever, by establishing his own dynasty on her throne, why not rather continue to pursue the same system of spoliation, which, by weakening her more and more, could not fail to bring her at length to the point desired. Spain would then have fallen from weakness, and Na-

pooleon would have saved blood and treasure, which might have been employed for similar purposes elsewhere. He chose, however, to push matters at once to an extremity, and by this conduct exposed himself to the chance of a war, the results of which could be, in no event, advantageous to him. If successful, he gained nothing, because he could only have resumed his former position with regard to Spain, that is, he could only have disposed of her at pleasure. Unsuccessful—and we may be permitted to indulge this hope—the monstrous edifice of his power would be shaken to its very foundations, and other nations, groaning under his yoke, be taught the secret of triumphant resistance. If we consider, moreover, that, even success was attended with the risk of losing America, it seems difficult to conceive the motives, which can have induced him to engage in an attempt, odious in the eyes of all the world, and impolitic in the opinion of the least scrupulous of his counsellors.

The *Moniteur* has fixed the period, of the complete subjugation of Spain, within the present year. In order to be able to judge what degree of confidence is due to this prophecy, somewhat bold methinks, I shall direct the attention of the reader to the means of defence, which Spain can oppose to her aggressors.

The calculations, most to be relied on, make the population of Spain amount from ten to eleven millions. If, therefore, a rising *en masse* takes place, which can no longer be doubted, it will create an effective force of eleven hundred thousand men, supposing one out of every ten persons to be fit for service. This calculation may be the more readily admitted with regard to Spain, as, in that country, the two sexes may be said to have disputed with emulous zeal, the glory of arming and contending for the common defence. Witness the instance of the women of Saragossa, of whom a great number perished in the successive, but uniformly fruitless assaults, which the French made upon that town. Independently of a decided advantage in point of numbers, the Spaniards have another of no small importance, that of being better acquainted with the country. Their remarkable sobriety in the consumption of food, the known voracity of their enemies, and finally the difficulties which the latter must experience, to support a numerous army, in Spain, notwithstanding the heavy waggons *à la Malborough*, with which the credulity of the Parisian cockney is beguiled,—are circumstances which must still further increase their chances of success. If to all this be super-added, the moral effects, which a just resentment, and the

persuasion, that no concessions can be of avail with an enemy implacable in his vengeance, must produce on ardent and exasperated minds, then, no doubt, it may be admitted as possible, that the war in Spain, so far from terminating in a few months, as the *Moniteur* predicts, may keep France engaged for a long time, and give some respite to those States, which have not yet been devoured, but of which the fate has been already decreed. If it took the Romans, more expert perhaps in the business of conquest than the great nation of our day,—according to the testimony of their own historians, more than two hundred years to complete the subjugation of Spain, we are justified in thinking that Napoleon will require at least two years, to accomplish the same object.

Where will Spain obtain arms, it may be asked, for her hosts? I answer, that the stock now in Spain is much greater than is generally believed: That the British will furnish a part: That there is no necessity for arming the whole military population at once. Besides—have they not before their eyes the example of their invaders themselves, who, during the first years of the revolutionary war, had scarcely any thing more than their numbers to oppose to the arms, and the tactics of the coalition?

However this may be, and without presuming to prejudge the issue of the contest, which has commenced between the Spanish nation, and the French government—(I do not say between the *two nations*)—I shall content myself with observing, that upon this contest depends the fate of Europe. The more protracted and obstinate the resistance of the Spaniards, the more fatal will be the effects of their defeat to the two continental powers, which still remain independent—Russia, and Austria. The last was already marked out as a victim. To Spain alone, she is indebted for the respite she enjoys. No doubt she will be the first attacked, as soon as Napoleon shall have recruited his battalions, with those same Iberians, whom he is now obliged to combat. Russia will perhaps alone escape, from being finally numbered in this long list of states overthrown, mutilated, plundered, and at length reduced to a servitude equally oppressive and ignominious. But, in that case, she will be indebted for her safety, to those extraordinary means, which are now on trial in Spain, for no less a task will then fall to her share, than to resist the strength of all Europe, directed by a single head.

May these fears be only the dreams of a terrified imagination! But, should they be exaggerated, it is nevertheless impossible for any mind, however cool and unprejudiced, to mis-

take the existence of the project of universal dominion on the part of Napoleon. This project has been already fearfully developed, and quite recently, has been confessed in the Report of the minister, M. Champagny, relative to the affairs of Spain. It is chimerical, no doubt. It would remain so still, even if all Europe—I speak of the Continent—should have been subjugated, and Russia driven back within her ancient limits, as Napoleon has frequently threatened; but torrents of blood must flow, and Europe exhibit a vast theatre of desolation, before the mistake will be acknowledged.

I shall conclude this Memoir, which is dictated by the purest zeal for the well-being of humanity, with a few historical facts, connected with the recent events in Spain. I can pledge my honour, for their authenticity. They will serve to characterize more fully the awful tragedy, which, at this moment, engages the attention of the world.

1. I have frequently heard the prince of Asturias accused, of having forced his father to abdicate. Nothing can be more erroneous than this statement, and never was an abdication more voluntary than that of Charles IV. He declared this himself, in the presence of the whole diplomatic corps, which waited upon him on the occasion. His majesty repeated the same declaration at a private audience, which had been asked by the apostolic nuncio *Gravina*. "Since ten years I have thought of it," said the king; "I abdicate most voluntarily, and I shall heartily enjoy all the good my son may do to my country." The fact is, that the fright occasioned by the occurrences at Aranjuez on the 6th of March, and the natural indolence of the king, were the true and only motives of this abdication.

2. The protest of king Charles, as published in the French journals, is dated only two days subsequent to the abdication. This, also, is an imposition, which it is proper I should point out. It is of public notoriety at Madrid, that king Charles did not sign this protest till seventeen days after his abdication, and against his will. He was obliged to yield to the intrigues of the grand duke of *Berg*, and to the importunities of his queen *Louisa*. He tried in vain to make this woman sensible of the sad consequences, which would attend the step. Consulting her disorderly passions alone, she was alike insensible to the voice of reason, and to the cries of nature. She overcame her husband, and the protest was signed.

3. All the world knows with what affability the Emperor Napoleon received at Bayonne, the unfortunate prince of

Asturias, who mounted the throne of his ancestors, immediately to descend from it into a prison. But, it is less generally known what means were employed, to entice him out of his own country. It would be tedious to unfold here the long tissue of falsehood, hypocrisy, and even murder, resorted to for this purpose.* It will be sufficient to state, that the principal machinery of this infernal plot, consisted in arming the father against the son, by imputing the blackest designs to the latter. I regret to have to add, that Napoleon was zealously aided on this occasion by queen Louisa.

After the prince of Asturias had arrived at Bayonne, a journey undertaken against the advice of his best counsellors, every species of flattery was lavished upon him by Napoleon, to make him easy with regard to his final designs, till all the victims should be collected. Dined with him; supped with him; walked with him; he stated that he was going to acknowledge him as king of Spain; and, as if considering him so already, he, from time to time, gave him the title of "your majesty." But it would be expedient, as it said, first to reconcile him with his father. This mummery was continued till the arrival of king Charles, the queen mother, the queen of Etruria, and the other princes of the royal house of Spain. Then the scene changed, and the Napoleon, the kind and generous mediator, became a severe and inexorable judge. After the first audience with king Charles, on the very day of his arrival at Bayonne, Napoleon insultingly accosted the prince of the Asturias, by telling him, that he would never be able to clear himself of the just reproaches of his father. From that

* The infant Don Carlos, one of the brothers of the prince of Asturias, was sent forward by the latter to meet the Emperor Napoleon, who had announced his intention of visiting Madrid. He encountered him at Bayonne, where he was to halt. After remaining for some days in that city, he discovered that the ruin of all his family was in agitation. Seeing that he was a prisoner himself, he determined to save, if possible, the prince of Asturias, to whom he was tenderly attached. The latter had already set out for Madrid, to meet Napoleon, whom he expected to encounter between that capital and Burgos, and had suffered himself to be persuaded to go as far as Vittoria. The infant wrote him a letter, of which a trusty servant was to take charge, in which he apprized him of the fate that awaited him, if he yielded to the instances which he knew were to be employed, to induce him to proceed to Bayonne. Don Carlos, the moment he had finished this letter, very indiscreetly communicated the contents to a nobleman of his suite, whose name I do not now recollect, but who made them known to Fuentes, another Spanish nobleman. This wretch hastened to lay them before the Emperor Napoleon, who rewarded him with a sum of money. Measures were immediately taken to seize the courier. He was overtaken on the bridge of la Bidassoa; and the pursuers after searching in vain about his person, for the letter, murdered him, and threw the body into the river.

moment the prince was confined to his house, which he was not permitted to leave, even to take a walk. He was next called upon to restore the crown to his father, which he did without hesitation, protesting that he had never intended to deprive him of it.

The old king was the first to perceive the abyss into which he had plunged, as he was the first of whom the sacrifice of his rights was demanded, in favour of Napoleon. It threw him into a paroxysm of rage, but he was obliged to yield. The sense of his disgrace, and the confusion of mind produced by an upbraiding conscience, deprived him of all power of resistance. He signed his abdication, and exchanged, one of the finest kingdoms on earth, for a castle in France.

After all the princes of the royal house had likewise renounced their titles, with the exception of the prince of the Asturias,—the infant Don Francisco, the same who has been mentioned above, threw himself at the feet of his brother. He conjured him by the glory of his ancestors, by the manes of Charles V, not to submit to this deed of shame. He represented, that the abdication of the others was of no consequence, but that he, presumptive heir of the crown, and the idol of his subjects, owed to them an example of firmness, at a moment when they were all arming themselves in defence of his rights: That his renunciation would complete the work of iniquity, would cover him with disgrace, in the eyes of all Europe, and extinguish the love of his people. Ferdinand promised his brother not to yield, but his resolution was insufficient to withstand the threat of Napoleon, that he should be treated like the duke d'Enghien, if he did not resign instantaneously. "I must have your head, or your seal." Such was the language of Bonaparte, for the genuineness of which I can vouch. The prince chose dishonour, and signed.

My task is ended. I have had no other aim, than to promulgate the truth.

Paris, September, 1808.

VOL. III.

2 Q

A cursory Inquiry into the Embargo Policy of the American Government.

Ac mihi quidem, si proprium et verum nomen nostri mali quæratur, fatalis quodam calamitas incidisse videtur et improvidas hominum mentis occupavisse. (*Cic. Pro Lig.*)

EMBARGOES, of the form and character which they have acquired in this country, are political measures so singular and novel, and, at the same time, in their consequences, so serious, as to be particularly deserving of a careful examination in all their bearings and effects.

Much has been said on the subject, in desultory debate, but we do not know of any satisfactory investigation of it *on record*, nor do we think that it has been at all considered, under some of its most important aspects.

A new embargo, just laid for three long months, at the very moment when the navigation opened, after an interruption for an unusual length of time, in consequence of a protracted winter,* has revived the interest of the discussion, or rather, the terror of the measure, from which a great proportion of the community had scarcely begun to recover.

Under these circumstances we flatter ourselves, that a number of our readers will be gratified by the attempt we shall now make, to lay before them, with perspicuity, and precision, the principal reflections, which these extraordinary, and, in our opinion, most ill judged political expedients, can scarcely fail to force upon the attention of every intelligent, and unbiassed observer.

An embargo is either, like the continental system of Napoleon, a *war measure*, the direct object of which is to distress the nation, with whom we are dissatisfied, by depriving her of the advantages, resulting from an intercourse with us; or else it must be a measure of *safety*; or a measure *preparatory* for war.

If intended as the first, we have then to ask, what injury is it likely to cause to our enemy,—in the instance before us to Great Britain—and what to ourselves?

Now, the trade of Great Britain with us, forms only a part, and not even the principal part of *her* trade. That, which the embargo destroys for us, is *all our trade*, at least all our fo-

* The very first sloop which descended the Hudson from Albany this spring, met, at New York, the news of the embargo.

reign trade. Thus, even this broad view of the question, gives us reason to apprehend, that our embargoes will prove infinitely more prejudicial to ourselves, than to those against whom they are levelled. A further investigation will corroborate this inference.

Great Britain can only suffer from our determination to shut ourselves up at home, on account of her not receiving, in this case, the usual supply of those commodities, the productions of our soil, which we have generally furnished; and, on account of her losing our market, for so much of her manufactures, as we used to take from her in exchange. On the score of freights and insurances she will hardly lose any thing, because these we have long been in the habit of earning ourselves.

It is a safe basis of political calculation to assume, that the value of all imports for *home* consumption, is generally equal to that of all *native* exports; and, considering that our importations from the East Indies, from South America, the West Indies, the Mediterranean, France, the North of Europe, &c., are of great magnitude, whilst our exports of native commodities to countries other than Great Britain, her dependencies, or allies, amounted, during the year preceding the first of October, 1811, only to 6,719,366 dollars,* or, to speak in round numbers, to six millions and a half, it is a very liberal admission, to take it for granted, no more than that the value of all our importations from Great Britain for home

* The following is the Report of the Secretary of the Treasury to the House of Representatives of the 21st January, 1812, warranting this statement.

Treasury Department, January 21, 1812.

SIR,

I have the honour to transmit herewith a statement of goods, wares and merchandise, exported from the United States, during one year, prior to the first day of October, 1811, and amounting to 61,316,833 dollars.

The goods, wares and merchandise, of domestic growth or ma-

nufacture, included in this statement, are estimated at	\$45,294,043
And those of foreign growth or manufacture, at	16,022,790

\$61,316,833

The articles of domestic growth or manufacture may be arranged under the following heads, viz.

Produce of the sea,	1,413,000
forest,	5,286,000
agriculture,	35,556,000
Manufactures,	2,376,000
Uncertain,	663,000

\$45,294,000

And

consumption, is equal to the whole amount of native productions furnished to herself, her dependencies and allies, which was in the year just mentioned, agreeably to the Treasury Report referred to above,—38,574,677 dollars, or thirty-eight millions and a half.

The *real* value of the exports of Great Britain—taking the average of the five years from 1805 to 1809—amounted to 54,121,626*l.* sterling, or to 240,000,000 dollars, annually.* Her own consumption of domestic manufactures may be estimated at nearly double that sum.† The total value of the annual produce of her manufacturing industry falls little short of seven hundred millions of dollars.

The amount, therefore, which we take from Great Britain, even under the most favourable supposition, is not quite one sixth part of her annual exports; not quite one eighteenth part of the total annual production of her manufacturing industry.

The amount of native commodities, which Great Britain, her dependencies and allies together receive from us, on the principle, that generally speaking, the exports and imports of

And they were exported to the following countries, viz.

To the dominions of Russia, Prussia, Sweden and Denmark,	3,055,833
Ditto Great Britain,	20,308,211
Ditto Spain and Portugal,	18,266,466
Ditto France and Italy,	1,194,275
To all other countries, or not distinguished,	2,469,258
	<hr/>
	\$45,294,043

The goods, wares and merchandise of foreign growth or manufacture, were exported to the following countries, viz.

To the dominions of Russia, Prussia, Sweden and Denmark,	5,340,117
Ditto Great Britain,	1,573,344
Ditto Spain and Portugal,	5,772,573
Ditto France and Italy,	1,712,537
To all other countries, or not distinguished,	1,624,920
	<hr/>
	\$16,022,790

I have the honour to be, with great respect, sir,
Your obedient servant,

ALBERT GALLATIN.

The honourable the Speaker of the
House of Representatives.

* See Report, together with minutes of evidence and accounts, from the select committee, appointed to inquire into the cause of the high price of gold bullion, &c. London 1810. Account LXXIII. of the Appendix.

† See Macpherson's Annals of Commerce, vol. IV. It is stated at 240 millions sterling, in the Quarterly Review for June last. (Review of Pasley on the Military Policy of Great Britain.) The same Review computes that only *one eleventh* part of the commercial prosperity of Great Britain, is derived from customers over whom she has no control.

a nation, square, cannot reach one sixth part of the annual importations of Great Britain alone.

But, of the commodities which we furnish, not a single one is *exclusively* the production of our country. Those of the Southern states—cotton, rice, tobacco—succeed almost equally well in some parts of South America, in the East and West Indies, along the Asiatic shores of the Mediterranean. Naval stores and potash can be obtained from Canada and the North of Europe. Our exports of grain—in the natural or manufactured state—without which, we sometimes imagine that the armies of Portugal and Spain would perish with famine, and Great Britain herself be brought to the eve of starvation, are trifling in amount, when compared with the total annual consumption of Great Britain, to which our largest known contributions in grain, in any one year, have scarcely borne a greater proportion than one fiftieth; or with the vast quantities, which are actually shipped every year, or may be procured, from Chili, from the coast of Barbary, from the shores of the Black Sea, or from the North of Germany and Poland. At the two ports alone of *Taganrock* and *Odessa*, in the Black Sea, from eight hundred to one thousand vessels of two hundred tons burthen each, load every year with small grain, and chiefly with wheat.*

Great Britain may the more readily relinquish all apprehensions, with regard to the want of many raw materials, and grain, since an extensive licensed trade is now regularly established between that country and France, as it were, in derision and contempt of the United States, particularly on the part of Napoleon. *For, with him, this licensed trade amounts to an infraction of his continental system, no doubt from motives of superior, or more pressing interest, while he leaves no means untried, to make us subservient to the extension of that system, though at the expense of our own political consequence and prosperity.*

The supplies, therefore, of such native commodities as we can furnish to Great Britain, are taken from us, because we bring them, even before they are called for. Our vigilance, thanks to the enterprising spirit of our merchants, anticipates every want abroad. We are so prompt, and, on account of our wide-ranging activity, can be satisfied with such small profits, that it becomes the interest, of those with whom we trade, to receive our produce, rather than seek for the same commo-

* See Thomas Mac ~~C~~'s Travels in Turkey, Italy, and Russia. London 1808.

ties elsewhere. But, so little are we indispensable to the well-being, or even to the greatness of a nation, to whom all the world may be considered as accessible, that, if the United States were swallowed up by the ocean, though the event, like our embargo measures, might cause some momentary inconvenience, yet, in a commercial point of view, after the lapse of six months, or of a year at most, our non-existence would be no longer felt.

Consequently, our embargo system, as far as it operates through the withholding of our exports, can have no other effect on Great Britain, than to cause her thousands of merchants, to seek elsewhere, the commodities which we choose to keep at home.

For the momentary inconvenience she may suffer, from the interruption of the usual course of supplies, she will be, in a great measure, indemnified by the advantage of finding additional employment for her shipping; of earning herself those freights and insurances, which before made part of our gain; of obtaining, therefore, in a national point of view, those same commodities cheaper than before, should the consumers even have to pay the same, or somewhat larger prices; and of repossessing herself of so much direct trade with other countries, as our vigilance and activity as carriers, or other causes arising from our local circumstances, had wrested from her.

She *may* consider—although erroneously—the paralyzed condition of a young, and, in other respects, vigorous commercial rival in the light of a further advantage and indemnification. The celebrated navigation act of Oliver Cromwell was regarded as a cause of grievance by other nations, and as the foundation of the naval and commercial power of Great Britain. Our embargo system, without involving her in the same odium, may appear to her to be productive of the same beneficial effects in relation to her maritime interests.

She must finally consider as among the number of *beneficial* effects, resulting from the course of measures we pursue, the greater demand for the productions of Canada, and the encouragement, which agricultural industry will receive in other parts of the world, from which, greater abundance of supplies, and lower prices, must ultimately ensue.

From the loss of our custom, as consumers of her goods, it must be admitted that Great Britain, as a manufacturing country, will sustain some injury. But, even this will be much less considerable than is imagined by those, whose whole attention is engrossed by the riots of her stocking-weavers, or the clamours of some journeymen out of work. In England,

similar tumults have almost uniformly occurred, at political junctures, which pressed with severity upon any particular class of her manufactures.

To proceed: In the first place we know, as has been already observed, that the proportion of British manufactures, which we have been in the habit of consuming, does not, at most, exceed one sixth part of the amount annually exported from Great Britain, nor one eighteenth part of the total amount, annually manufactured there.

In the second place it happens that, instead of being largely indebted to Great Britain, as used to be the case formerly when we were poor, *our* merchants have property to the extent of many millions of dollars in the hands of hers. It has been estimated by some, at no less than thirty millions of dollars at this time. The impossibility of bringing it home in specie, and the consequent lowness of foreign exchanges, causes large investments of American funds in British goods, either with a view of bringing them, clandestinely and circuitously, into the country; or, under the idea of keeping them in England, in hopes of realizing large profits on a renewal of intercourse. But, as far as the immediate manufacturing interests of Great Britain are concerned, it is immaterial whether goods have been bought and shipped, or bought and warehoused, provided they are paid for. Great Britain, in this way, has gained upon us at least one year's supply, and this state of things will probably continue, as long as there is American property afloat in that country, for, of a war of *long duration* at least, no man can well conceive even the possibility.

In the third place, when the commodities, with which we were in the habit of supplying Great Britain, are no longer furnished by us, and she is obliged to seek them in other quarters, this new demand will with her increase industry, wealth, consumption, population even; and, while other circumstances remain unchanged, her trade, in consequence of our embargoes and restrictions, may indeed be compelled to seek different channels, but the extent of her business, after a slight diminution, will soon acquire again its former compass, and probably continue to spread wider and wider.

As far, therefore, as our embargo, our non-intercourse, non-importation, and embargo revived—were, or, are intended, to overawe our political adversaries, they place us very much in the light of certain conceited individuals, such as we frequently meet with in society, who fancy themselves of such vast importance, that they firmly believe the whole social order would fall into confusion, should they attempt to with-

draw from the situations they occupy. It, however, mostly happens, that when the dreadful resolve is carried into execution, another, and frequently a better man, is found ready to fill the place of him who retired. The hero of lofty sentiments finds then, to his sorrow, that he can be spared. He is left to fret out his disappointment as he can, and often tries in vain to regain his former influence and standing.

Nations, like private citizens, are constantly anxious to ameliorate their situation, to increase their enjoyments. Every favourable opportunity is therefore snatched with avidity; every opening is quickly taken advantage of, and if one of them, who had acted a conspicuous part, prompted by wisdom or folly, chooses to withdraw from the busy scene, she will soon sink into oblivion, whilst the chasm is filled up by another. No dismay, nor mourning will ensue. The concerns of mankind will experience no disturbance.

The mutual dependence of nations is, perhaps, founded more on habit, or accidental interest, than on necessity. Which ever, therefore, has found the means of creating, and supplying, certain wants of another, if she find it beneficial to supply them, should be careful to avoid interruptions of intercourse. The nation, as well as the man, of business, should always be found at her usual places of resort; and a careful attention to this prudential maxim becomes the more indispensable, the less she can boast of peculiarity of productions, either in kind—arising from soil and climate—or in cheapness and quality—the consequence of capital and skill. The United States cannot strictly boast of either. The distinction and consequence, which we had acquired in the commercial world, were owing, not so much to the nature and character of our commodities, as to the spirit of enterprise, and to the extraordinary vigilance, with which our merchants sought to introduce them, wherever they might be acceptable. This spirit once destroyed, or rendered useless by embargoes, and restrictions, the national importance will cease with it. The American flag may disappear from the ocean, but Europe will not suffer for want of our productions.

We shall now proceed to examine the effects of the embargo system on *ourselves*.

Our first embargo lasted more than fifteen months. The present has been laid for three, and there are reasons for believing, that it is intended to be renewed at the expiration of that term. It may, therefore, not be uninteresting to make in the first place an estimate of the loss, which the nation would sustain by an embargo for one year.

In trying to make this estimate, we shall take it for granted that the embargo is rigorously observed, agreeably to the intentions of government.

We shall consider as *loss* the diminution of wealth; that is, the diminution of desirable objects; of means of enjoyment.

In the year, ending the first of October 1810, the total exports of the United States amounted to 61,316,833 dollars, of which 45,294,043 dollars, or more than two thirds, were native productions.

As all these exports took place in our own vessels, and as all the native commodities, as well as some of the re-exported foreign productions are bulky, we cannot estimate the outward freight at less than ten per cent. on the whole value exported. The small shipping charges, such as are earned by coopers, labourers, draymen, &c, amount at least to two per cent.—It will not be thought unreasonable to suppose that, on an average, our exports yield to the exporting merchant a profit of ten per cent.; that our vessels, one with another, make one third of their outward freight, home; and that ten per cent. are gained on the imports, between the importing merchant, and the final consumer, or re-exporter. If we add to these the profits on insurances, we shall be able to form some idea of the *direct mercantile* loss, occasioned by an embargo of twelve months duration. We say of the *direct mercantile* loss, because to calculate the losses, caused by *loss*, would be endless. The account will stand as follows:

Freight on exports to the amount of \$ 61,316,833 at	
10 per cent. - - - - -	\$ 6,131,683
Small shipping charges on the same at 2 per ct.	1,226,336
Outward profits on the same, estimated at 10	
per cent. - - - - -	6,131,683
Profit on returns imported, estimated at 10 per	
cent. on the investments abroad, viz.	
First cost of exports	\$ 61,316,833
Freight, small charges, out-	
ward profits, as stated	
above, - - -	13,489,702
10 per ct. on investment abroad	74,806,535 is 7,480,653
One third, of the outward freight, home, -	2,043,894
Carried over	23,014,249

Brought over, \$23,014,249

The whole property, conveyed out and home, *exclusive* of the value of the vessels employed, amounts to 136,123,368 dolls. But some of this being insured in Europe, we will suppose that only 100 millions, *inclusive* of the value of the vessels employed, are insured in this country; we will allow only 8 per cent. as the average premium of insurance out and home, and we will suppose that the underwriters clear by their business only 10 per cent. on the amount of the premiums. Then this item will be,

10 per cent. on \$ 8,000,000 is - - 800,000

Making the total direct mercantile loss - \$ 23,814,249

But, in order to appreciate the *national* loss, we have still further to add to this sum the loss sustained in the revenue, which we have the advantage of being able to estimate from the actual returns of the treasury. The *net* amount of revenue, arising from duties, tonnage, light money, &c. was,

in 1806, \$ 16,015,317
 in 1807, 16,492,889
 in 1808, 7,176,985
 in 1809, 7,138,676
 in 1810, 12,756,831*

The fall from sixteen millions to seven in the years 1808 and 1809, can only be attributed to the derangements of commerce, caused by the embargo, particularly as we see that in 1810 it rose again to nearly thirteen millions, notwithstanding the continuance of restrictions, and embarrassments in the way of importations. We are therefore warranted by the fact, in estimating the loss of revenue, caused by an embargo of twelve months duration, at least at 9,000,000 dollars.

Nor can it be doubted that this deficiency in the revenue is a real, national loss; because, though the duties are ultimately paid by the consumers, yet, as generally speaking no one spends more than his revenue, it is the proceeds of the flour, cotton, potash, &c. which enable our farmers, planters and woodsmen to pay for the imported goods, loaded as they are with freight and small charges, the merchant's profit, insurance

* See Report of the Secretary of the Treasury of the 28th February 1812.

and customs. Our foreign transactions finally wind up between the producers of our exports, and the consumers of our imports. If the same man who raises the wheat, manufactured it into flour, exported it, received European commodities in return, and consumed them; it is obvious that the business would be dropped, if, notwithstanding the expenses with which the European goods may be charged, he did not think himself well paid for his labour by their possession. But the inference remains the same, whether all this be the transaction of one man, or the divided pursuits of many. We must, therefore, regard customs and tonnage, &c. as well as the merchant's profits and small charges, as part of the proceeds of our exports.

We have further to consider as *national* loss, attending the embargo, the diminished value of the property, the exportation of which it prevents. If we should have exported, without the embargo, native produce to the amount of 45,000,000 dollars, it is a proof that we have so much to spare, over and above what is wanted for our own consumption. It will hardly be imagined that we shall eat more fish, than common on account of the embargo. Therefore the usually exported produce of the sea, amounting in value nearly to one million and a half, and being of a perishable nature, will be lost. Our flour, if forced into the market, as there is more than we can make use of, will fall from fifty to seventy per cent. and more. Or, if no greater quantity is offered for sale than the habitual consumption requires, because our farmers are rich enough to keep their grain, rather than to sell it below a certain price; then it will waste in their barns. The rats will eat a part, the weevil will destroy another, the hogs, the cattle, the horses, will receive more than their due share. Above all, less will be raised the ensuing season. Similar observations will apply to every other description of produce. The obstruction of the vent for our surplus will, without exception, deteriorate the value of our native commodities, and operate as a check on agricultural industry. We should, therefore, be justifiable, if we were to consider the total value of our usually exported *surplus* produce, as so much loss sustained by the nation in consequence of the embargo. We will admit, however, in order, throughout this estimate, rather to remain below the truth than to exaggerate, that one third of it turns to account, in the way of extra consumption, and that the actual loss is only two thirds, or 30,196,028 dollars.

Of course, the direct national injury, caused by an embargo of twelve months duration, would be,

Mercantile loss, as above	-	-	\$ 23,814,249
Deteriorated value of surpluss produce			
and waste	-	-	30,196,028
Loss sustained by the revenue	-	-	9,000,000

Total direct national loss	-	-	\$ 63,010,277
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or, \$ 5,250,000 per month.

At the same moment, therefore, that the nation is called upon to aid their government with a loan of 11,000,000, dolls. this government, without any single *openly avowed*, or *obviously* beneficial purpose, at the bare suggestion of expediency on the part of the executive, destroys, by an embargo of three months, national wealth to the amount of 15,750,000 dollars, not to reckon the *indirect*, and *collateral* mischief, of enormous magnitude, with which the same measure is pregnant.

If our farmers were ordered to leave one fourth of their arable lands uncultivated; if our house owners were required by law not to let their houses for a twelve month; or, if our labourers were prohibited from working more than three days during the week—how universal and irresistible would be the cry of oppression. But, if an embargo renders one fourth of our arable lands useless; if it causes the vessels of our merchants, engaged in foreign commerce,—a tonnage of 984,269 tons,*—to become unproductive, and wasting property; if it forces our fishermen to saunter about in idleness, or to catch their usual prey merely for the sake of sport—we think it right enough,—we think it constitutional—because there is nothing unusual in the sound of *embargo*; governments often have laid them;—though surely not of the same description with ours.

Nor is it merely the mercantile, and agricultural interests which our embargoes affect injuriously. The manufacturing interest, whatever may be imagined to the contrary, suffers not less.

The manufactures, which thrive in regular times, must be deemed the most beneficial to a country, because they will be the best adapted to its local, and permanent relations.

The principal support of manufactures is, in all instances, domestic consumption. This is even the case in England, though exporting a greater proportion of her manufactured productions, than perhaps ever any nation did before.

* See Report of the Secretary of the Treasury of the 12th December 1811.

If we apply these principles to our situation under an embargo, it will be difficult not to perceive, that, from the diminution of national income, to an extent—according to our certainly much underrated computation,—of no less than 63,000,000 dollars per annum—there must result a proportionate diminution of consumption, which will necessarily affect the demand for home manufactured articles, as well as for those imported from abroad.

A sum so considerable, in a country of 8,000,000 of inhabitants, cannot possibly be subtracted from consumption, without serious injury to the manufacturers and artists, as well as to cultivators, and almost every other description of people.

This observation will be deemed the more correct, when we reflect, that this diminution of income, affects in the first instance, and affects most severely, the people in the sea ports; whose prosperity chiefly depends on the success of commercial pursuits, and who are in this country the largest consumers; who sustain from an embargo a yearly loss of more than 23,000,000 dollars; who find themselves placed by this measure in the most discouraging and helpless situation.

It receives further corroboration from the well known fact, that all those articles, the manufacture of which has succeeded best in this country, have been exported to the West Indies, and other places, to an amount by no means trifling. Our nails, our hats, our leather, shoes, saddlery, cabinet ware, tin ware, chairs, cotton yarn, gun powder, lumber, paper, &c. &c. have found an advantageous market abroad.

If we only consider how many arts, and trades, are concerned in shipbuilding, how can we doubt that our domestic manufactures must suffer, during a state of things which renders ships useless.

On appealing to facts, we perceive, that every manufacturer and tradesman, who prospered with the general prosperity, previously to embargo and restrictions, now partakes of the general distress.

Those, therefore, who imagine that an embargo gives encouragement to domestic manufactures, cannot possibly mean such manufactures, as comport best with our local circumstances, with our present state of capital, skill, and knowledge; such as are most natural to us, and have been hitherto thriving. It is too obvious that these will suffer. They must mean manufactures with which, properly, we ought not yet to meddle, because we are not ripe for them, and which cannot succeed, unless aided by embargo or war.

With regard to these their opinion would be correct, if the

embargo were the permanent law of the land. But the measure is not, cannot be a permanent one.

People will not therefore readily engage in forming establishments, which must cause their ruin when the embargo ceases.

Besides this consideration, they will be deterred by the fear of the competition arising from smuggling.

The cheapness of goods in Europe; their increased price with us; the lowness of exchange on England—hold out together such great temptations to smuggling, that even a government, as energetic and despotic as that of Bonaparte, with sea coasts, and frontiers, like ours, would prove inadequate to prevent it.

Experience supports the argument. Fresh British goods, notwithstanding the non-importation act, make their appearance daily in this market.

Manufactures, therefore, of commodities, the manufacture of which does not succeed with us in regular times, will not be readily attempted in consequence of an embargo, from apprehension of ruin, when it ceases; and of the competition arising from systematized smuggling, while it lasts.

Besides, manufacturing establishments, of the description in which Great Britain excels, require mostly the command of low priced labour, or the investment of large capitals. But our labour must continue high, till our population becomes redundant, and embargoes, so far from disengaging capital, as is most erroneously conceived, cause it, as we shall presently show, to dwindle away, and disappear.

But, if restrictions on commerce were to bring a few manufactures into existence, and occasion them for a while to prosper, the individual benefit, in this instance, would nevertheless result from the national loss, while the infinitely greater number of manufactures, suitable to our situation, and the flourishing state of which, is the more desirable on account of their promoting individual as well as public prosperity, must inevitably suffer.

Generally speaking, therefore, it seems undeniable, that embargoes, and commercial restrictions of any sort, like every other violent, *unlawful* interference of government with private pursuits, proves in the highest degree injurious to manufactures, as well as to agriculture and commerce.

Measures of this description have consequently a baneful effect on our *own* industry, whilst they only partially, momentarily, and in a slight degree, affect the industry of other nations.

In addition to this they have a tendency to disunite us, because they operate with great inequality, bearing, in the first instance, most heavily, and destructively, on one particular, and useful description of citizens—the merchants, who link us with the world; enable us to make the most of our national advantages, and to attain the greatest share of prosperity at the least expense of labour.

They have a tendency to disunite us also, because they affect some parts of the Union more severely than others. The people in the back country experience from their operation no inconvenience, that could be compared to the privations which those suffer who, in the maritime districts, derive their comforts from the produce of the sea.

Nor ought we to forget, that the calamities which these measures occasion, by destroying security, and defeating all rational calculation, affect chiefly the active, the enterprising, the industrious, the honest.

The injuries, which the country sustains from embargoes, do not even cease with them. A trade, once repelled, rarely returns again to its former channel.

They, moreover, demoralize the nation; introduce, and systematize the business of smuggling; permanently impair, and temporarily destroy, the most convenient, and most productive source of public revenue.

A vigorous war, by sea and land, substitutes at least one species of activity for another. Fleets and armies receive the surplus produce; fishermen find employment in the navy. Armed, or swift sailing merchant vessels will still force some trade; others will become lucrative as privateers. The pleasure of individual distinction, or the participation of national renown, may compensate in some small degree for pecuniary losses. Embargoes take all and give nothing. They *deadend*.

So that it seems difficult to conceive a system of policy, *considered as a substitute for war*, more inefficient, with regard to an enemy; more ruinous, with regard to ourselves; more unjust, in the mode of its operation; more inimical to our federal union; more ignominious; more thoroughly bad; more preposterous, in every point of view. It constitutes a species of political suicide; not suicide, but self-torture, with dissolution in the rear, in consequence of gradual disorganization, inanition, and languor.

Experience, during the long embargo, has so powerfully confirmed some of these observations, and was so near verifying the rest, that it is now seldom attempted to defend the

interdiction of foreign trade on *this* ground. It is rather pretended that the present embargo was necessary as a measure of safety, as a step preparatory to war.

But, an embargo could not be necessary, as a measure of safety, on account of approaching war, with a view to the trade from which it is attempted to exclude us by the orders in council. With respect to this trade we are already in the same situation, as if we were actually at war with Great Britain.

With regard to our trade to Great Britain herself, her dependencies, and allies, it is not probable that property sent to them by our merchants, under the idea of a still prevailing peace, or of the probability of its continuance, would be endangered. A nation to whom trade is so necessary, that she thinks proper to establish a licensed one, with the enemy bent on her destruction, is not likely to injure individuals, seeking to preserve a friendly, and mutually beneficial intercourse, to the last moment; the less as it must be her interest rather to reconcile the good will, than to provoke the resentment of our merchants; the less also, as she endeavours to hold out the idea, that the orders in council, the cause of the expected war, are with her a measure of self-preservation, and, consequently, of necessity, well or ill understood—but not of ill will, or enmity, to this country.

At any rate, if apprehensions were entertained by our government on this score, they ought, consistently, to have afforded our merchants an opportunity at least, of bringing home the vast amount of property, which they have in Great Britain already. A genuine parental solicitude in congress would have urged, as the *true* policy,—pursuant to their declared object,—the removal of every restriction on trade, and the intimation that a general embargo would be laid, and a hostile attitude taken at the expiration of a fixed period, should no adjustment of difficulties have taken place by that time.

Besides, if the embargo was intended as a measure of safety, as a forerunner of war, there could be no occasion to lay it for sixty days, less for three months, still less for four, as was proposed.

Finally, our merchants might be suffered to judge themselves of the degree of danger attending their adventures. Self-interest is of all others the most sagacious, and government does not pretend to be in possession of secret information.

As a last argument in favour of the present embargo it is urged, that the measure is expedient and beneficial, with a

view to *preparations for war*. We have vast capitals, it is said, engaged in foreign commerce. If we stop this commerce, they will become disengaged, and there will be created a disposition, both to lend them to government at a low interest, and to invest them in manufacturing establishments.

There seems to be some plausibility in this mode of reasoning, and yet we shall find it almost totally destitute of foundation.

If our circulating medium consisted of specie, then the argument just stated would have weight. Specie cannot be employed beneficially except by investing or lending it. A man who has two hundred thousand dollars hard money in his chest, and is not permitted to trade, may be glad to find a borrower, even at a moderate interest, or tempted to erect manufacturing establishments, should even the prospect of their success be doubtful, rather than be obliged to watch an unproductive treasure. But the case is vastly different when the active capital of the merchants, that is, the circulating medium, consists, as with us, chiefly of bank paper.

All the credits, which banks circulate, either in the form of bank notes, or book entries, *bear an interest*, with the sole exception of those, arising from specie deposits, and from the respective expenses of the several institutions, such as the erection of banking houses, the salaries of their officers, &c.—The truth of this position is obvious, because the banks never grant a credit, unless specie is deposited, but for a valuable consideration, which is the interest deducted, on discounting bills or promissory notes. Deposits made in the bank notes of other banks, in those of the bank itself, or in checks, form no exception, because they are themselves bank credits, which have come previously into existence, through the process of discount of promissory paper, or through deposits of specie.

The discount charged is, nominally, six per cent., but, being paid in advance, amounts in reality to a little more than six and one third per cent.

Such being the fact, the quantity of bank money in circulation, must necessarily be commensurate with the extent of commercial activity.

Suppose that there are in the city of Philadelphia ten merchants, worth in *real capital*, that is, in houses, lots, lands, wharves, ships, and other property, one million of dollars, and that they are in the habit of trading to South America, to the Havanna, and other places.

These persons, when trade is open, purchase on the spot, such commodities as are wanted at the places, where they have

established commercial relations, for which they issue their promissory notes. These are taken to the banks by the receivers, and are there discounted.

After some time, returns will be received for the commodities shipped, consisting of a variety of produce. These returns will also be sold for promissory notes, which again find their way to the banks, and are, by means of the usual process, converted into bank money.

One transaction will succeed another, and thus our merchants, while pursuing their trade—even allowing that they never extend their business beyond their real means—will keep at least one million of bank money in constant circulation.

What will occur when embargoes, and other restrictions on trade, put an end to their activity? The bank engagements will be gradually cancelled, and the respective parties, who were engaged in trade, will remain stationary, with their houses, lots, ships, and other property, and, perhaps, with cash enough to defray their personal expenses. But, the winding up will leave no heaps of silver and gold disengaged, for which it becomes necessary to find employment.

All bank money in circulation—with the few exceptions above stated—denoting a debt to the banks, bearing an interest of a little more than six and one third per cent., it is impossible the greatest part of this debt should not be cancelled, *as soon as money ceases to be worth more than six and one third per cent.* To the extent cancelled, bank money will disappear. It is not in the nature of things, that it should long maintain itself in circulation, *when it ceases to be worth what it costs.*

Though bank money, to a great amount, may be in the possession of persons, who owe nothing to the banks, yet, those who do owe, being prompted by circumstances to discharge their engagements, without contracting new ones, the bank-values of the former, in the rotation of business, will come into the hands of the latter, will be employed by them to extinguish bank debts, and become extinct themselves.

In other words, an embargo, and similar measures, will cause a diminution, or a total winding up, of all foreign business, of which a proportionate disappearance of bank money must be the consequence. Because, it is business which actually *does realize*, or, *which keeps alive the hope that it may realize*, considerable profits beyond bank interest, that maintains bank money in circulation.

Embargoes, and commercial restrictions, therefore, will have a tendency to reduce the circulating medium of the country, nearly to its *specie means*.

These specie means we know to be very limited. An embargo, therefore, must make money scarce, and prove in a high degree disadvantageous to the financial operations of government.

As bank money costs six and one third per cent., it cannot be imagined that it should be readily, and to a large amount, lent to government, at six and one seventh per cent.—to which the interest lately offered by government, considering that it is receivable *quarterly*, is equal—that is, at an interest $\frac{1}{11}$ per cent. below its real value, particularly when those, who borrow from the bank, and usher bank money into circulation, have no opportunity of earning more than bank interest with it.

Government, other circumstances equal, will always find the greatest facility of borrowing, in the full tide of trade; because then the banks will be largely applied to for discounts, by reason of the opportunities, which trade and brisk circulation afford, of earning more than bank interest, by the employment of bank money; and of the bank money, thus put into circulation, considerable portions will accumulate, and remain with persons, whom convenience, safety, and other inducements, will dispose to make advances to government at a moderate interest.

When, from an opposite state of things, from the reduced prices of real estate, and similar circumstances, bank money becomes scarce, it will court a different, and more advantageous employment. Though money, in this situation of affairs, may not be worth six per cent. *in money*; yet it becomes, intrinsically as it were, dearer, because all commodities become cheaper. Investments, in imperishable articles, then hold out the prospect of large profits, on the revival of business, while public securities will not improve.

Embargoes, therefore, as far as they cause business to stagnate; circulation, to become languid; bank money—our principal money—to become scarce: as far as they produce the constant effect of a diminished circulating medium,—a dispirited community, and an universal state of suffering, without, like war itself, calling forth any new emotions, or propelling to a new course of activity; as far as they *absolutely deaden*—are a most miserable preparation for war, and must above all, exert a fatal influence over the financial concerns of government. They destroy revenue, on the one hand; render borrowing difficult on the other; and certainly must put the nation in a humour, not the most propitious to the successful introduction of new taxes.

The strength of a commercial country lies in its activity,—in circulation. The power of a commercial country is therefore precarious, unless it has a navy to protect its commerce. The idea of Napoleon, that a nation, like England, is if at all, only vulnerable in her commercial relations, has some foundation. The species of embargo, which he attempts to realize, through the continental system of exclusion, would with her prove the more fatal, on account of her now inconvertible currency. Any measure, therefore, which *actually did* tend to preserve her extensive commerce, we should feel ourselves *logically bound* to consider as a judicious measure of self-preservation. Any measure, *bona fide*, though erroneously, intended to preserve it—we should still not think ourselves obliged to consider with regard to ourselves, as an act of oppression, and insult, demanding resistance—*coute qu'il coute*. We should consider it as a question of *interest and policy*, but not of *principle*, whether to resent it, or not? And we should feel the more reluctant to decide rashly on resenting it, if, by so doing, we necessarily threw ourselves into the arms of a power, more uncongenial—as to fundamental principles of conduct; more inimical—as to ultimate views; whose *complete* success would be our *certain* destruction; who has still less to offer than Great Britain in palliation of outrages on our commercial rights, yet more wanton and savage, than any which any other power has ever inflicted upon us.

It is really a phenomenon—*unique*—and most worthy of attention, that we should voluntarily fasten upon ourselves the very measure, which the genius of Napoleon has devised, as the true weapon with which to strike at the power of a commercial people, viz., the annihilation of their commerce.—Hostile to political freedom, to popular institutions, and of course to commerce, the natural support of both, it seems a master stroke of policy in the French Emperor, to effect our own downfall from the political consequence we had acquired, by the mere attempt to make us instrumental in the projected destruction of Great Britain. It is, moreover, worthy of observation, that the same lack of sense, and superabundance of imbecility among the rulers of the nations of the continent of Europe, which have been so favourable to the execution of his designs there, should seem to prevail as egregiously, and to serve him equally well here.

We have yet to advert to a circumstance which attended the enactment of the present embargo, of a nature to defeat in great part, its efficacy as a measure of state-thrift. We allude to the formal annunciation of the intentions of the government

on the subject, several days before the law could regularly pass in congress. By this extraordinary proceeding, time was given to our merchants,—who did not hesitate to avail themselves of the opportunity,—to send their ships to sea laden with a vast amount of American property, although the detention of our wealth at home, so as to preserve it from the risk of confiscation abroad, was proclaimed to be one of the leading motives, as it was in fact, the only plausible justification, of the step about to be taken. If any thing could have taught the administration, how little confidence is reposed in their judgment or character by the public, it was the conduct of the mercantile body on this occasion. The latter so far from trusting to the sagacity, or concurring in the ostensible policy of their rulers, exerted an incredible degree of activity, in putting their fortunes beyond the reach of legislative precautions. To them, the protection professed to be extended by the measure of the embargo, was evidently more terrible, than the chance of being despoiled by the British. Rather than commit their property to the discretion, or *safe keeping* of their sapient government, they choose to throw it upon the mercy of our enemy elect.

It would seem, from the manner in which the embargo was ushered into existence, that the Executive did not dare to encounter the clamor, which would have been raised,—the universal discontent which would have been excited,—had the whole navigation and produce of the country been actually arrested. Or, if the previous intimation given, were not authorized by the Executive, but proceeded from the friends of administration in the committee of foreign relations, the circumstance would show, as indeed was the case, that these gentlemen were either actuated by a similar apprehension, or were conscious of the pernicious tendency of the measure, they had resolved to adopt merely in compliance with the Executive will, and desirous therefore of paralyzing its operation as far as possible. Without doubt, the escape of a certain number of our vessels, is to be considered as a subject for patriotic rejoicing; yet the manner in which the embargo was announced, although productive of this advantage, led to a practical injustice, in benefitting one portion of the mercantile community alone,—that which happened casually to be in a situation to profit by it.

No one will seriously contend that the present embargo is, under any point of view, calculated to facilitate the preparations now said to be making for war. We have already shown

that it is of material detriment to our financial interests, and of this fact, the issue of the loan just opened, will be a conclusive proof. How it can operate beneficially, with respect to the collection of a military force—except by multiplying vagabonds and paupers—we would defy the most ready invention to explain, or the most lively fancy to conceive. Had it been really intended as a custody or security for the wealth of the country, permission would have been given, as we have before intimated, to our merchants, to withdraw without loss of time, from England, the large amount of property which they have now there; and good care would, moreover, have been taken, by preserving inviolate the secret of the intentions of government, that the property actually in our ports should be kept at home. For, on the face of the transaction, nothing could be more preposterous and even criminal, than that the government, while it declared its invariable determination to go to war with any particular power, and affected to take means to secure our property from the gripe of the chosen enemy, should, nevertheless, at the same time, afford an opportunity which it well knew would not be lost, to our merchants, of placing within the reach of that power, a large amount of treasure, in addition to what was already in the same state.

The question, then, of the motives by which the Executive and his coadjutors in congress, were actuated, in adopting the present limited embargo, can admit of no other than the following solution:—Either the measure was taken, in obedience to the commands or threats of Serrurier the French minister, without a reference to our own particular concerns, but in aid of the continental system of his imperial majesty, and particularly of his hallowed designs on Spain and Portugal: Or it was meant as a loop-hole by which to escape from the threatened war with Great Britain,—as a probation for the people subsidiary to the renovation of the old embargo scheme, in contradistinction to a real war system: Or lastly, it was intended in fact, as it is in promise, as the precursor of war,—in this sense and in this event only however,—that it might, from the unrivalled deformity of its aspect, and the insufferable ills of its operation, finally reconcile the mass of the people to actual hostilities;—so humiliate and annoy the country, that any alternative would seem preferable, and be greedily embraced.

Reluctant as we are to admit, even the possibility of what covers us with shame, in our capacity of American citizens, we must confess that we are strongly inclined, to the first interpretation of the origin of this embargo. The uniform course

of our public counsels for the few years past, proves but too clearly, that our administration has, in ~~some~~ sort, contracted an incurable habit of truckling to France. In support of the supposition, that they have done so in this instance, we have,—besides the improbability of their daring to essay the perilous experiment of a real war, or a permanent embargo,—the direct testimony of a member of the committee of foreign relations, one distinguished no less by the most inflexible probity of character, than by great political sagacity and natural eloquence. Mr. Randolph solemnly declared in the debate on the embargo, that he personally and *certainly* knew that the measure had been, ever since the commencement of the session of congress, unremittingly and authoritatively pressed upon the administration by the French ambassador, and moreover, stated it as his firm conviction, that the proceeding under discussion, was induced, principally by the instances of Napoleon's representative. The conclusions of Mr. Randolph on this subject, are strengthened by a reference to the jealousy which our administration are well known to entertain, of the British cause in Spain and Portugal, and of the collateral satisfaction, which they would of course derive, from any scheme of action tending to frustrate the success of the British arms in that quarter.

If it has really happened, that the embargo was recommended and adopted, pursuant to the dictates of the French minister, and, secondarily, with a view to deprive the British and Spaniards of supplies for their armies in the Peninsula, there are no terms of reprobation which may not be justly applied, to so foul an act of malevolence and servility. On this supposition, a greater degree of baseness has been displayed, a more criminal breach of trust committed, a grosser outrage practised on the national character, the spirit of the constitution, and the cause of justice and humanity,—than history records in the conduct—we would almost say—of the rulers of any nation whatever. The people of the United States have been more cruelly betrayed and more miserably degraded, than were the people of England, when their monarchs of the house of Stuart sold themselves and their country to France, or even than were the Spaniards when surrendered by their wretched sovereign, into the hands of Bonaparte, at Bayonne. In these and similar cases recorded in history, there were strong temptations of advantage,—some well grounded apprehensions of momentous peril, to operate as palliatives of the guilt incurred; but in the instance before us, there is nothing in extenuation—no

motive to be assigned but that which serves as aggravation; idle, slavish panic—sheer, and grovelling malignity;—feelings towards usurping despotism on the one hand, and oppressed misfortune and generous protection on the other, such as are alike inconsistent with the title of our institutions, and the common dignities and sympathies of human nature. While the naval power of England continues to flourish, and we continue at peace with her, we have but little to dread, as at all times we have nothing to hope, from France. Whatever concessions we make to the latter, are, then, to be considered as wholly gratuitous, and in all respects unpardonable.

We cannot but put it to the country, as we have often done to our own minds, how much more worthy it would have been of the government of a great republican people, the descendants of the British,—how much more reputable and magnanimous, under all circumstances, to have rejected the suggestion of an embargo at this time, even were it a measure fully impartial as respects the British, and as eminently profitable, as it is now pernicious to the interests of the United States,—to have rejected it, we say,—on the ground, that it was of a tendency to enfeeble the Spaniards either mediately or immediately, in their holy contest for freedom;—on the ground that it became us, such as we are, even to make sacrifices, rather than be instrumental, in promoting the views of the worst foe of liberty, and the most atrocious of oppressors;—to forego for the present, in favour of the Spaniards, even a just revenge on Great Britain, by abstaining from such means of retaliation at least, as, in wounding her, must directly affect the efforts of those, who had so generously countenanced us, in our own struggle for independence. As much as this line of conduct and this mode of reasoning would have been honourable, proper, consistent,—so much is that which has in fact been pursued, base, incongruous, and disgraceful. We give vent the more readily to our feelings on this head, because the agents of this abominable collusion with the fell tyrant of France, are not, as every administration ought to be, “the nation speaking and acting in the discourse and conduct of particular men,” but a body of impudent empirics, who have wormed themselves into place, and usurped the public confidence, by means of pretences and juggles, of which the gross imposture, and the ruinous tendency, are every day becoming more and more visible to all descriptions of men.

The department of the merchants of which we spoke in the

last page in relation to the embargo, was founded partly on the belief, that their government, notwithstanding all its blustering professions, would not dare to encounter the trials of war. On this head, we have uniformly felt the same incredulity, but yet, as no human sagacity can foresee the certain result, of such a momentum of rashness, folly, prejudice, and passion, as that which now impels the vessel of the state, we do not pretend to affirm positively, that the present embargo *may* not assume, conformably to the distinctions we have made above, some other character than that of a mere branch of "the continental system." It *may* be meant as a substitute for war, and the first section, or quarter as it were, of an annual embargo. To this plausible construction of the measure, we have had particular reference, in our estimate of the loss, to which the embargo policy subjects the country. It *may* also be intended as the certain preface to war. Still we are not dismayed, because, we feel now an assurance, which, until very lately, we never felt,—that—however complete the infatuation of the government, there is yet a safeguard for the country, in the present dispositions of their constituents. We now trust,—and sanguinely too,—that neither permanent embargo, nor war under the present circumstances of the world, can be attempted with success, by our political desperados. The prospect of one or other of these curses, has already begun a revolution in the public sentiment, which the actual infliction of either, would speedily complete, and which, without much delay, or previous suffering, would effectually provide a remedy for the evil.

If we mistake not there is a sure wrought mine under the feet of the whole tribe of pretenders, who, by warping the national interests to private views, and consulting alone the gratification of absurd prejudices, have brought the country into its present awkward and distressing condition. The proceedings of all branches of the government, during the present session of congress, have raised an universal cry of indignation and contempt. It is impossible for any man of any party, even the most callous to the national fame, to contemplate without a blush, this tissue of ridiculous rhodomontade, of confused, incoherent, inconsistent and wild schemes, harmless as regards foreign nations, but destructive to our own prosperity. The film seems to be purged from the eyes, of multitudes in every part of the United States, who had before professed an allegiance of opinion and suffrage, to the present administration. They have discovered, that while they fancied themselves the champions of liberty and national in-

dépendence, they were but the bubbles and tools of faction; and they fortunately begin to recover from the delusion, before it is yet too late to prevent, such irreparable mischiefs, as they themselves never contemplated, and would be among the last to countenance.

No man is now the dupe of the pretext assigned for the selection of England; as the object of our hostilities,—as no man is blind to the terrible evils, with which such hostilities would overwhelm this country. The doctrine, that the national honour requires a war with England, at the same time that we consent to remain at peace with France, notwithstanding still greater injuries and contumelies, on her part, not only yet unatoned for, but ostentatiously persisted in,—this doctrine, we say, is condemned by every understanding, and recognised on all sides as a mask for sinister designs. With respect to what *has* passed in this country, on the subject of the revocation of the Berlin and Milan decrees, we are naturally led to recollect and to quote, the phrase of Bolingbroke, in relation to politics in general, “that there is no demonstrated truth, which may not be rendered, at least, very problematical, by long, uniform, positive contradiction; nor any demonstrated lie, which may not be rendered probable to many, and certain to some, by long, uniform positive affirmation.” The tale of the revocation of the French decrees, was established in the belief of numbers, by the steady and shameless asseverations of our Executive, in defiance of all argument, and evidence. But the illusion so created, has gone by. The captures daily made in the narrow seas under those decrees,—the pillage and burning of almost every American vessel encountered on the ocean, by a French cruiser, in virtue of express instructions from the French government to that effect,—the tenor of the official reports of the ministers of Bonaparte in Paris, with respect to neutral rights,—have opened the eyes of all, to the true state of the case, and rendered ridiculous the plea of an engagement with France, so often urged in defence of the non-importation law.

Under every point of view, the great majority of the American people, are evidently opposed to a war with Great Britain, at this period. They hold a silence on this point, of a most unequivocal meaning, and of serious portent to our administration. The Executive, whatever may be his declarations, or his wishes, cannot himself mistake the clamors of a few factious or hired gazettes, for the public voice. That voice were it really, “for war,” would be expressed in innumerable ways which would both strengthen the arm, and at

once fix the irresolution of the government. Where are the addresses, the resolutions, the voluntary enrolments, the unsolicited contributions which would certainly precede any war, in which the people were cordially disposed to engage, or from which they were not decidedly averse?

The fact is, that every reflecting, honest mind must stagger under the prospect, of a wanton exchange of the peaceful blessings we have so long enjoyed, for a participation in those horrors of discord and slaughter, in which Europe is plunged. A religious and philosophical mind will shrink too at the idea, of seeing our moral and political world convulsed in all its parts, without unavoidable necessity, at a time when the physical seems to be menaced with another chaos;—when the elements are combining to spread desolation and ruin over the land.—This topic was eloquently and rationally amplified by Mr. Randolph, in the House of representatives, and deserved more attention than it received from his boisterous and presumptuous antagonists. Such was, under similar circumstances, the sound, innate philosophy of one, who was no less venerable as a moralist, than admirable as a poet,

“Fires from beneath, and meteors from above
Portentous, unexampled, unexplained,
Have kindled beacons; and the old
And crazy earth has had her shaking fits
More frequent, and forgone her usual rest.
Is it a time to wrangle, when the props
And pillars of our planet seem to fail?” *Cowper.*

The course to be pursued, by those who do not wish to lend a sanction to the ruin of their country, seems to us to be plainly marked out by circumstances. Let them unite to exorcise as it were, the Federal government, which may truly be said to be possessed by evil and unclean spirits. Let them unite to rid the nation, at all events, of her present rulers, than whom it would be impossible to select any set of men, more ridiculous for their incapacity, more dangerous from their designs, more disgraceful in their character and conduct. To secure the accomplishment of this primary end, all party distinctions should be exploded,—for the moment, at least,—and the patriotic and the honest rallied under the banners of some one individual likely to conciliate the greatest number of suffrages, and fitted by his faculties and opinions, to redeem the dignity and legitimate influence of the chief magistracy, and to reform the tone of the public councils. We care not whether he be from the North, or the South, or what party-badge he may have worn, provided his situation and character corres-

pond to the description we have just given. No change either of men or of policy, could, we repeat it, be for the worse, and some change of the kind, must be effected, or the Union will be lost, without such a special interposition of Divine Providence, or such a course of accident and anomaly, as no rational politician can venture to count upon. We have in this country, a high trust devolved upon us;—something, we would say, of more importance even, than the Union itself, were not the one inseparably connected with the other;—we have the cause of republican liberty in our hands. Should we finally dishonour this cause, or suffer it to perish, we shall in a manner justify all the accusations, preferred against republican institutions by the spirit of tyranny, and, perhaps, for ever confirm, throughout the world, under some shape or other, the military despotism, which is now, in Europe, waging a systematic war against all freedom, of whatever complexion.

APPENDIX.

STATE PAPERS.

Message from the President of the United States, to both Houses of Congress, at the commencement of the first Session of the Twelfth Congress.

Fellow Citizens of the Senate
and of the House of Representatives.

IN calling you together, sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present, for the time of your meeting, regard was had to the probability of further developments of the policy of the belligerent powers towards this country, which might the more unite the national councils, in the measures to be pursued.

At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the government of Great Britain to repeal its orders in council; and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step towards satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British envoy just arrived, that, whilst the revocation of the edicts of France, as officially made known to the British government, was denied to have taken place; it was an indispensable condition of the repeal of the British orders, that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy: the United States being given to understand that, in the mean time, a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it has indeed appeared, that a communication to the British government, of fresh evidence of the repeal of the French

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decrees against our neutral trade, was followed by an intimation, that it had been transmitted to the British plenipotentiary here, in order that it might receive full consideration in the depending discussions. This communication appears not to have been received: But the transmission of it hither, instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed, in the mean time, in adapting our measures to the views which have been disclosed through that minister, will best consult our whole duty.

In the unfriendly spirit of those disclosures, indemnity and redress for other wrongs, have continued to be withheld; and our coasts, and the mouths of our harbors, have again witnessed scenes, not less derogatory to the dearest of our national rights, than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one of them, and the American frigate, commanded by captain Rodgers, rendered unavoidable on the part of the latter, by a fire, commenced without cause, by the former; whose commander is, therefore, alone chargeable with the blood unfortunately shed in maintaining the honour of the American flag. The proceedings of a court of inquiry, requested by captain Rodgers, are communicated; together with the correspondence relating to the occurrence, between the secretary of state and his Britannic majesty's envoy. To these are added, the several correspondences which have passed on the subject of the British orders in council; and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the government of Great Britain has thought proper to make against the proceedings of the United States.

The justice and fairness which have been evinced on the part of the United States, towards France, both before and since the revocation of her decrees, authorized an expectation that her government would have followed up that measure, by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given, of an intention to repair the other wrongs done to the United States; and particularly to restore the great amount of American property seized and condemned under the edicts, which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles, that the reparation ought to have been prompt and ample.

In addition to this, and other demands of strict right, on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions, to which their trade with the French dominions has been subjected; and which, if not disconti-

nued, will require at least corresponding restrictions on importations from France into the United States.

On all those subjects, our minister plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which, will be communicated to you, and by ascertaining the ulterior policy of the French government towards the United States; will enable you to adapt to it, that of the United States towards France.

Our other foreign relations, remain without unfavourable changes. With Russia, they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions towards our commerce, in the councils of that nation also. And the information from our special minister to Denmark, shows that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention, it became a duty to exert the means committed to the executive department, in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted, with an activity leaving little to be added for the completion of the most important ones; and, as particularly suited for co-operation in emergencies, a portion of the gun-boats have, in particular harbours, been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coasts. And such a disposition has been made of our land forces, as was thought to promise the services most appropriate and important. In this disposition is included a force, consisting of regulars and militia, embodied in the Indiana territory, and marched towards our North Western frontier. This measure was made requisite by several murders and depredations committed by Indians; but more especially by the menacing preparations and aspect of a combination of them on the Wabash under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions the Indian tribes retain their peaceable dispositions towards us, and their usual pursuits.

I must now add, that the period is arrived, which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States, to substitute, for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship and confidence; we have seen that the British cabinet perseveres, not only in withholding a remedy for other wrongs, so long and so loudly calling for it; but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

With this evidence of hostile inflexibility, in trampling on rights

which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armour, and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body, as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries, which, in every event, will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success; and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions, on the subject of our naval force, as may be required for services to which it may be best adapted. I submit to Congress the seasonableness, also, of an authority to augment the stock of such materials, as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere, and extend into our neighbourhood. An enlarged philanthropy, and an enlightened forecast, concur in imposing on the national councils an obligation to take a deep interest in their destinies; to cherish reciprocal sentiments of good will; to regard the progress of events; and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious every where, and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the state, attains its utmost guilt, when it blends, with a pursuit of ignominious gain a treacherous subserviency, in the transgression, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself, through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interest which it covers, it is expedient also, that it be made punishable in our citizens, to accept licenses from foreign govern-

ments, for a trade unlawfully interdicted by them to other American citizens; or to trade under false colours or papers of any sort.

A prohibition is equally called for, against the acceptance, by our citizens, of special licenses, to be used in a trade with the United States; and against the admission into particular ports of the United States, of vessels from foreign countries, authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation, the fair extent, of which it is at present abridged by the unequal regulations of foreign governments.

Besides the reasonableness of saving our manufactures from sacrifices which a change of circumstances might bring on them, the national interest requires, that, with respect to such articles, at least, as belong to our defence, and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation, in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interest; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupations for the service of their country in times of danger, must be diminished.

The receipts into the treasury, during the year ending on the thirtieth of September last, have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten, has also been reimbursed, and is not included in that amount.

The decrease of revenue, arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be taken into view, in making commensurate provisions for the ensuing year. And I recommend to your consideration, the propriety of ensuring a sufficiency of annual revenue, at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honourable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be dis-

charged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all the means that may be employed, in vindicating its rights and advancing its welfare.

JAMES MADISON.

Washington, November 5, 1811.

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Correspondence between Mr. Monroe, Secretary of State, and Mr. Foster, Envoy Extraordinary and Minister Plenipotentiary of his Britannic Majesty, in relation to the Orders in Council.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 2, 1811.

I HAVE the honour to inform you that I have received the special commands of his royal highness, the prince regent, acting in the name and on the behalf of his majesty, to make an early communication to you of the sentiments which his royal highness was pleased, on the part of his majesty, to express to Mr. Pinkney, upon the occasion of his audience of leave.

His royal highness signified to Mr. Pinkney, the deep regret with which he learnt that Mr. Pinkney conceived himself to be bound by the instructions of his government to take his departure from England.

His royal highness informed Mr. Pinkney that one of the earliest acts of his government, in the name and on the behalf of his majesty, was to appoint an envoy extraordinary and minister plenipotentiary to the government of the United States; and added, that this appointment had been in the spirit of amity, and with a view of maintaining the subsisting relations of friendship between the two countries.

His royal highness further declared to Mr. Pinkney that he was most sincerely and anxiously desirous, on the part of his majesty, to cultivate a good understanding with the United States by every means consistent with the preservation of the maritime rights and interests of the British empire.

His royal highness particularly desired that Mr. Pinkney would communicate these declarations to the United States in the manner which might appear best calculated to satisfy the president of his royal highness' solicitude to facilitate an amicable discussion with

the government of the United States upon every point of difference which had arisen between the two governments. I have the honour to be, &c. &c. &c.

(Signed)

AUG. J. FOSTER.

The hon. James Monroe, &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 3, 1811.

I have had the honour of stating to you verbally the system of defence to which his majesty has been compelled to resort for the purpose of protecting the maritime rights and interests of his dominions, against the new description of warfare that has been adopted by his enemies. I have presented to you the grounds upon which his majesty finds himself still obliged to continue that system, and I conceive that I shall best meet your wishes as expressed to me this morning, if, in a more formal shape, I should lay before you the whole extent of the question as it appears to his majesty's government to exist between Great Britain and America.

I beg leave to call your attention, sir, to the principles on which his majesty's orders in council were originally founded. The decree of Berlin was directly and expressly an act of war, by which France prohibited all nations from trade or intercourse with Great Britain, under peril of confiscation of their ships and merchandise; although France had not the means of imposing an actual blockade in any degree adequate to such purpose. The immediate and professed object of this hostile decree was the destruction of all British commerce, through means entirely unsanctioned by the law of nations, and unauthorized by any received doctrine of legitimate blockade.

This violation of the established law of civilized nations in war would have justified Great Britain in retaliating upon the enemy, by a similar interdiction of all commerce with France and with such other countries as might co-operate with France in her system of commercial hostility against Great Britain.

The object of Great Britain was not, however, the destruction of trade, but its preservation under such regulations as might be compatible with her own security, at the same time that she extended an indulgence to foreign commerce, which strict principles would have entitled her to withhold. The retaliation of Great Britain was not, therefore, urged to the full extent of her right; our prohibition of French trade was not absolute, but modified; and in return for the absolute prohibition of all trade with Great Britain, we prohibited not all commerce with France, but all such commerce with France as should not be carried on through Great Britain.

It was evident that this system must prove prejudicial to neutral nations: this calamity was foreseen, and deeply regretted. But the injury to the neutral nation arose from the aggression of France, which had compelled Great Britain in her own defence to resort

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It was evident that this system must prove prejudicial to neutral nations: this calamity was foreseen, and deeply regretted. But the injury to the neutral nation arose from the aggression of France, which had compelled Great Britain in her own defence to resort

to adequate retaliatory measures of war. The operation on the American commerce of those precautions which the conduct of France had rendered indispensable to our security, is therefore to be ascribed to the unwarrantable aggression of France, and not to those proceedings on the part of Great Britain which that aggression had rendered necessary and just.

The object of our system was merely to counteract an attempt to crush the British trade. Great Britain endeavoured to permit the continent to receive as large a portion of commerce as might be practicable through Great Britain; and all her subsequent regulations, and every modification of her system by new orders or modes of granting or withholding licenses, have been calculated for the purpose of encouraging the trade of neutrals through Great Britain, whenever such encouragement might appear advantageous to the general interests of commerce, and consistent with the public safety of the nation.

The justification of his majesty's orders in council, and the continuance of that defence, have always been rested upon the existence of the decrees of Berlin and Milan, and on the perseverance of the enemy in the system of hostility which has subverted the rights of neutral commerce on the continent; and it has always been declared on the part of his majesty's government, that whenever France should have effectually repealed the decrees of Berlin and Milan, and should have restored neutral commerce to the condition in which it stood previously to the promulgation of those decrees, we should immediately repeal our orders in council.

France has asserted that the decree of Berlin was a measure of just retaliation on her part, occasioned by our previous aggression; and the French government has insisted that our system of blockade, as it existed previously to the decree of Berlin, was a manifest violation of the received law of nations: we must, therefore, sir, refer to the articles of the Berlin decree to find the principles of our system of blockade which France considers to be new, and contrary to the law of nations.

By the 4th and 8th articles it is stated as a justification of the French decree, that Great Britain "extends to unfortified towns and commercial ports, to harbours, and to the mouths of rivers, those rights of blockade which, by reason and the usage of nations, are applicable only to fortified places; and that the rights of blockade ought to be limited to fortresses really invested by a sufficient force."

It is added in the same articles, that Great Britain "has declared places to be in a state of blockade before which she has not a single vessel of war, and even places which the whole British force would be insufficient to blockade—entire coasts and a whole empire."

Neither the practice of Great Britain nor the law of nations has ever sanctioned the rule now laid down by France, that no place, excepting fortresses in a complete state of investiture, can be deemed lawfully blockaded by sea.

If such a rule were to be admitted, it would become nearly impracticable for Great Britain to attempt the blockade of any port of the continent; and our submission to this perversion of the law of nations, while it would destroy one of the principal advantages of our naval superiority, would sacrifice the common rights and interests of all maritime states.

It was evident that the blockade of May, 1806, was the principal pretended justification of the decree of Berlin, though neither the principles on which that blockade was founded, nor its practicable operation, afforded any colour for the proceedings of France.

In point of date the blockade of May, 1806, preceded the Berlin decree; but it was a just and legal blockade according to the established law of nations, because it was intended to be maintained, and was actually maintained, by an adequate force appointed to guard the whole coast described in the notification, and consequently to enforce the blockade.

Great Britain has never attempted to dispute that in the ordinary course of the law of nations, no blockade can be justifiable or valid unless it be supported by an adequate force, destined to maintain it, and to expose to hazard all vessels attempting to evade its operation. The blockade of May, 1806, was notified by Mr. Secretary Fox, on this clear principle; nor was that blockade announced until he had satisfied himself, by a communication with his majesty's board of admiralty, that the admiralty possessed the means and would employ them, of watching the whole coast from Brest to the Elbe, and of effectually enforcing the blockade.

The blockade of May, 1806, was therefore (according to the doctrine maintained by Great Britain,) just and lawful in its origin, because it was supported both in intention and fact by an adequate naval force. This was the justification of that blockade, until the period of time when the orders in council were issued.

The orders in council were founded on a distinct principle; that of defensive retaliation. France had declared a blockade of all the ports and coasts of Great Britain, and her dependencies, without assigning, or being able to assign any force to support that blockade. Such an act of the enemy would have justified a declaration of the blockade of the whole coast of France, even without the application of any particular force to that service. Since the promulgation of the orders in council, the blockade of May, 1806, has been sustained and extended, by the more comprehensive system of defensive retaliation, on which those regulations are founded. But if the orders in council should be abrogated, the blockade of May, 1806, could not continue under our construction of the law of nations, unless that blockade should be maintained by a due application of an adequate naval force.

America appears to concur with France, in asserting that Great Britain was the original aggressor in the attack on neutral rights, and has particularly objected to the blockade of May, 1806, as an obvious instance of that aggression on the part of Great Britain.

Although the doctrines of the Berlin decree, respecting the rights of blockade, are not directly asserted by the American government, Mr. Pinkney's correspondence would appear to countenance the principles on which those doctrines are founded. The objection directly stated by America against the blockade of May, 1806, rests on a supposition that no naval force which Great Britain possessed, or could have employed for such a purpose, could have rendered that blockade effectual, and that therefore it was necessarily irregular, and could not possibly be maintained in conformity to the law of nations.

Reviewing the course of this statement, it will appear, that the blockade of May, 1806, cannot be deemed contrary to the law of nations, either under the objections urged by the French, or under those declared, or insinuated by the American government, because that blockade was maintained by a sufficient naval force; that the decree of Berlin was not, therefore, justified either under the pretexts alleged by France, or under those supported by America; that the orders in council were founded on a just principle of defensive retaliation, against the violation of the law of nations, committed by France in the decree of Berlin; that the blockade of May, 1806, is now included in the more extensive operation of the orders in council; and lastly, that the orders in council will not be continued beyond the effectual duration of the hostile decrees of France, nor will the blockade of May, 1806, continue after the repeal of the orders in council, unless his majesty's government shall think fit to sustain it by the special application of a sufficient naval force. This fact will not be suffered to remain in doubt, and if the repeal of the orders in council should take place, the intention of his majesty's government respecting the blockade of May, 1806, will be notified at the same time.

I need not recapitulate to you the sentiments of his majesty's government, so often repeated, on the subject of the French minister's note to Gen. Armstrong, dated the 5th of last August. The studied ambiguity of that note has since been amply explained by the conduct and language of the government of France, of which one of the most remarkable instances is to be found in the speech of the chief of the French government on the 17th of last month, to certain deputies from the free cities of Hamburgh, Bremen and Lubeck, wherein he declares that the Berlin and Milan decrees shall be the public code of France as long as England maintains her orders in council of 1806 and 1807. Thus pronouncing as plainly as language will admit, that the system of violence and injustice, of which he is the founder, will be maintained by him until the defensive measures of retaliation to which they gave rise, on the part of Great Britain, shall be abandoned.

If other proofs were necessary to show the continued existence of these obnoxious decrees, they may be discovered in the imperial edict dated at Fontainebleau in October 19, 1810, that monstrous production of violence, in which they are made the basis of

a system of general and unexampled tyranny and oppression over all countries subject to, allied with, or within reach of the power of France: in the report of the French minister for foreign affairs dated last December, and in the letter of the French minister of justice to the president of the council of prizes. To this latter, sir, I would wish particularly to invite your attention; the date is the 25th of December; the authority it comes from most unquestionable; and you will there find, sir, the duke of Massa, in giving his instructions to the council of prizes, in consequence of the president of the United States' proclamation of November 3d, most cautiously avoiding to assert that the French decrees were repealed, and ascribing, not to such repeal but to the ambiguous passage which he quotes at length from Mr. Champagny's letter of August 5th, the new attitude taken by America; and you will also find an evidence in the same letter of the continued capture of American ships after November 1st, and under the Berlin and Milan decrees, having been contemplated by the French government; since there is a special direction given for judgment on such ships being suspended in consequence of the American proclamation, and for their being kept as pledges for its enforcement.

Can then, sir, those decrees be said to have been repealed at the period when the proclamation of the president of the United States appeared, or when America enforced her non-importation act against Great Britain? Are they so at this moment? To the first question the state papers which I have referred to, appear to give a sufficient answer: for even supposing that the repeal had since taken place, it is clear that on November 3d, there was no question as to that not being then the case; the capture of the ship *New Orleans Packet*, seized at Bordeaux, and of the *Grace Ann Green*, seized at or carried into Marseilles, being cases arising under the French decrees of Berlin and Milan, as is very evident. Great Britain might, therefore, complain of being treated with injustice by America, even supposing that the conduct of France had since been unequivocal.

America contends that the French decrees are revoked as it respects her ships upon the high seas, and you, sir, inform me that the only two American ships taken under their maritime operation, as you are pleased to term it, since November 1st, have been restored; but may not they have been restored in consequence of the satisfaction felt in France at the passing of the non-importation act in the American congress, an event so little to be expected; for otherwise, why, having been captured in direct contradiction to the supposed revocation, why were they not restored immediately?

The fears of the French navy, however, prevent many cases of the kind occurring on the ocean under the decrees of Berlin and Milan; but the most obnoxious and destructive parts of those decrees are exercised with full violence, not only in the ports of France, but in those of all other countries to which France thinks she can commit injustice with impunity.

Great Britain has a right to complain that neutral nations should overlook the very worst features of those extraordinary acts, and should suffer their trade to be made a medium of an unprecedented, violent and monstrous system of attack upon her resources; a species of warfare unattempted by any civilized nation before the present period. Not only has America suffered her trade to be moulded into the means of annoyance to Great Britain under the provisions of the French decrees, but construing those decrees as extinct upon a deceitful declaration of the French cabinet, she has enforced her non-importation act against Great Britain.

Under these circumstances I am instructed by my government to urge to that of the United States, the injustice of thus enforcing that act against his majesty's dominions; and I cannot but hope that a spirit of justice will induce the United States' government to reconsider the line of conduct they have pursued, and at least to re-establish their former state of strict neutrality.

I have only to add, sir, that on my part, I shall ever be ready to meet you on any opening which may seem to afford a prospect of restoring complete harmony between the two countries, and that it will, at all times, give me the greatest satisfaction to treat with you on the important concerns so interesting to both. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

To the honourable James Monroe, &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 11, 1811.

In consequence of our conversation of yesterday, and the observations which you made respecting that part of my letter to you of the 3d instant, wherein I have alluded to the principle, on which his majesty's orders in council were originally founded, I think it right to explain myself, in order to prevent any possible mistake, as to the present situation of neutral trade with his majesty's enemies.

It will only be necessary for me to repeat what has already long since been announced to the American government, namely, that his majesty's order in council of April 26, 1809, superseded those of November, 1807, and relieved the system of retaliation, adopted by his majesty against his enemies, from what was considered in this country as the most objectionable part of it—the option given to neutrals to trade with the enemies of Great Britain through British ports on payment of a transit duty.

This explanation, sir, will, I trust, be sufficient to do away any impression that you may have received to the contrary, from my observations respecting the effects which his majesty's orders in council originally had on the trade of neutral nations. Those observations were merely meant as preliminary to a consideration of

the question now at issue between the two countries. I have the honour to be, &c. &c. &c.

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, &c. &c. &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 14, 1811.

His majesty's packet-boat having been so long detained, and a fortnight having elapsed since my arrival at this capital, his royal highness, the prince regent, will necessarily expect that I should have to transmit to his royal highness some official communication as to the line of conduct the American government mean to pursue. I trust you will excuse me, therefore, sir, if without pressing for a detailed answer to my note of the 3d instant, I anxiously desire to know from you what is the president's determination with respect to suspending the operation of the late act of congress prohibiting all importation from the British dominions.

There have been repeated avowals lately made by the government of France, that the decrees of Berlin and Milan were still in full force, and the acts of that government have corresponded with those avowals.

The measures of retaliation pursued by Great Britain against those decrees, are consequently to the great regret of his royal highness still necessarily continued.

I have had the honour to state to you the light in which his royal highness, the prince regent, viewed the proclamation of the president of last November, and the surprise with which he learnt the subsequent measures of congress against the British trade.

American ships seized under his majesty's orders in council, even after that proclamation appeared, were not immediately condemned, because it was believed that the insidious professions of France might have led the American government and the merchants of America into an erroneous construction of the intentions of France.

But when the veil was thrown aside, and the French ruler himself avowed the continued existence of his invariable system, it was not expected by his royal highness that America would have refused to retrace the steps she had taken.

Fresh proofs have since occurred of the resolution of the French government to cast away all consideration of the rights of nations, in the unprecedented warfare they have adopted.

America however still persists in her injurious measures against the commerce of Great Britain, and his royal highness has, in consequence, been obliged to look to means of retaliation against those measures which his royal highness cannot but consider as most unjustifiable.

How desirable would it not be, sir, if a stop could be put to any material progress in such a system of retaliation, which, from step

to step, may lead to the most unfriendly situation between the two countries.

His majesty's government will necessarily be guided in a great degree by the contents of my first despatches, as to the conduct they must adopt towards America.

Allow me, then, sir, to repeat my request to learn from you whether I may not convey to his royal highness what I know would be most grateful to his royal highness' feelings, namely, the hope that he may be enabled, by the speedy return of America from her unfriendly attitude towards Great Britain, to forget altogether that he ever was obliged to have any other object in view besides that of endeavoring to promote the best understanding possible between the two countries. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, &c. &c. &c.

Mr. Monroe to Mr. Foster.

SIR,

Department of State, July 15, 1811.

The reasoning and scope of the two letters I have had the honour to receive from you, dated on the 3d and 14th instant, rest essentially on a denial that the French decrees of Berlin and Milan are repealed. These decrees comprise regulations essentially different in their principles; some of them violating the neutral rights of the United States, others operating against Great Britain without any such violation.

In order to understand distinctly and fully the tenor of your communications, you will pardon the request I have the honour to make of an explanation of the precise extent in which a repeal of the French decrees is made a condition of the repeal of the British orders; and particularly whether the condition embraces the seizure of vessel and merchandise entering French ports in contravention of French regulations, as well as the capture on the high seas of neutral vessels and their cargoes, on the mere allegation that they are bound to, or from British ports; or that they have on board British productions or manufactures. I have the honour to be, &c.

(Signed)

JAS. MONROE.

The honourable Augustus J. Foster. &c. &c. &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 16, 1811.

I had the honour to receive the letter which you addressed to me under yesterday's date, requesting an explanation from me, in consequence of my letters of the 3d and 14th instant, of the precise extent in which a repeal of the French decrees is, by his majesty's government, made a condition of the repeal of the British orders, and particularly whether the condition embraces the seizure of vessels and merchandise entering French ports in contravention of French regulations, as well as the capture on the high seas of neutral vessels and their cargoes, on the mere allegation that they are

bound to, or from British ports, or that they have on board British productions or manufactures; as also, stating that in your view of the French decrees they comprise regulations essentially different in their principles; some of them violating the neutral rights of the United States, others operating against Great Britain without any such violation.

You will permit me, sir, for the purpose of answering your questions as clearly and concisely as possible, to bring into view the French decrees themselves, together with the official declarations of the French minister which accompanied them.

In the body of those decrees, and in the declarations alluded to, you will find sir, express avowals that the principles on which they were founded, and the provisions contained in them, are wholly new, unprecedented and in direct contradiction to all ideas of justice and the principles and usages of all civilized nations.

The French government did not pretend to say that any one of the regulations contained in those decrees was a regulation which France had ever been in the previous practice of.

They were consequently to be considered, and were indeed allowed by France herself to be, all of them, parts of a new system of warfare, unauthorized by the established laws of nations.

It is in this light in which France herself has placed her decrees, that Great Britain is obliged to consider them.

The submission of neutrals to any regulations made by France, authorized by the laws of nations and practised in former wars, will never be complained of by Great Britain; but the regulations of the Berlin and Milian decrees do, and are declared to, violate the laws of nations and the rights of neutrals, for the purpose of attacking through them the resources of Great Britain. The ruler of France has drawn no distinction between any of them, nor has he declared the cessation of any one of them in the speech which he so lately addressed to the deputation from the free imperial Hanse Towns, which was, on the contrary, a confirmation of them all.

Not until the French decrees, therefore, shall be effectually repealed, and thereby neutral commerce be restored to the situation in which it stood previously to their promulgation, can his royal highness conceive himself justified, consistently with what he owes to the safety and honour of Great Britain, in foregoing the just measures of retaliation which his majesty in his defence was necessitated to adopt against them.

I trust, sir, that this explanation, in answer to your inquiries will be considered by you sufficiently satisfactory; should you require any further, and which it may be in my power to give, I shall with the greatest cheerfulness afford it.

I sincerely hope, however, that no further delay will be thought necessary by the president, in restoring the relations of amity which should ever subsist between America and Great Britain; as the delusions attempted by the government of France have now been made manifest, and the perfidious plans of its ruler exposed, by which,

while he adds to, and aggravates his system of violence against neutral trade, he endeavours to throw all the odium of his acts upon Great Britain, with a view to engender discord between the neutral countries and the only power which stands up as a bulwark against his efforts at universal tyranny and oppression.

Excuse me, sir, if I express my wish as early as possible to despatch his majesty's packet-boat with the result of our communications, as his majesty's government will necessarily be most anxious to hear from me. Any short period of time, however, which may appear to you to be reasonable, I will not hesitate to detain her. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, &c.

Mr. Monroe to Mr. Foster.

SIR,

Department of State, July 23, 1811.

I have submitted to the president your several letters, of the 3d and 16th of this month, relative to the British orders in council and the blockade of May, 1806, and I have now the honour to communicate to you his sentiments on the view which you have presented of those measures of your government.

It was hoped that your communication would have led to an immediate accommodation of the differences subsisting between our countries, on the ground on which alone it is possible to meet you. It is regretted that you have confined yourself to a vindication of the measures which produced some of them.

The United States are as little disposed now as heretofore to enter into the question concerning the priority of aggression by the two belligerents, which could not be justified by either, by the priority of those of the other. But as you bring forward that plea in support of the orders in council, I must be permitted to remark that you have yourself furnished a conclusive answer to it, by admitting that the blockade of May, 1806, which was prior to the first of the French decrees, would not be legal, unless supported through the whole extent of the coast, from the Elbe to Brest, by an adequate naval force. That such a naval force was actually applied, and continued in the requisite strictness until that blockade was comprised in and superseded by the orders of November of the following year, or even until the French decree of the same year, will not I presume be alleged.

But waiving this question of priority, can it be seen, without both surprise and regret, that it is still contended that the orders in council are justified by the principle of retaliation, and that this principle is strengthened by the inability of France to enforce her decrees. A retaliation is in its name, and its essential character, a returning a like for like. Is the deadly blow of the orders in council against one half of our commerce, a return of like for like to an empty threat in the French decrees against the other half? It may be a vindictive hostility, as far as its effect falls on the enemy: but

when falling on a neutral, who on no pretext can be liable for more than the measure of injury received through such neutral, it would not be a retaliation, but a positive wrong, by the plea on which it is founded.

It is to be further remarked, that the orders in council went even beyond the plea, such as this has appeared to be, in extending its operation against the trade of the United States with nations which, like Russia, had not adopted the French decrees, and with all nations which had merely excluded the British flag; an exclusion resulting as matter of course with respect to whatever nation Great Britain might happen to be at war.

I am far from viewing the modification originally contained in these orders, which permits neutrals to prosecute their trade with the continent, through Great Britain, in the favourable light in which you represent it. It is impossible to proceed to notice the effect of this modification without expressing our astonishment at the extravagance of the political pretension set up by it: a pretension which is utterly incompatible with the sovereignty and independence of other states. In a commercial view it is not less objectionable, as it cannot fail to prove destructive to neutral commerce. As an enemy, Great Britain cannot trade with France. Nor does France permit a neutral to come into her ports from Great Britain. The attempt of Great Britain to force our trade through her ports, would have, therefore, the commercial effect of depriving the United States altogether of the market of her enemy for their productions, and of destroying their value in her market by a surcharge of it. Heretofore it has been the usage of belligerent nations to carry on their trade through the intervention of neutrals, and this had the beneficial effect of extending to the former the advantages of peace while suffering under the calamities of war. To reverse the rule, and to extend to nations at peace the calamities of war, is a change as novel and extraordinary as it is at variance with justice and public law.

Against this unjust system, the United States entered, at an early period, their solemn protest. They considered it their duty to evince to the world their high disapprobation of it, and they have done so by such acts as were deemed most consistent with the rights and the policy of the nation. Remote from the contentious scene which desolates Europe, it has been their uniform object to avoid becoming a party to the war. With this view they have endeavoured to cultivate friendship with both parties by a system of conduct which ought to have produced that effect. They have done justice to each party in every transaction in which they have been separately engaged with it. They have observed the impartiality which was due to both as belligerents standing on equal ground, having in no instance given a preference to either at the expense of the other. They have borne too, with equal indulgence, injuries from both, being willing, while it was possible, to impute them to casualties inseparable from a state of war, and not to a deliberate in-

tention to violate their rights. And even when that intention could not be mistaken, they have not lost sight of the ultimate object of their policy. In the measures to which they have been compelled to resort, they have in all respects maintained pacific relations with both parties. The alternative presented by their late acts was offered equally to both, and could operate on neither no longer than it should persevere in its aggressions on our neutral rights. The embargo and non-intercourse were pacific measures. The regulations which they imposed on our trade were such as any nation might adopt in peace or war without offence to any other nation. The non-importation is of the same character; and if it makes a distinction at this time in its operation between the belligerents, it necessarily results from a compliance of one with the offer made to both, and which is still open to the compliance of the other.

In the discussions which have taken place on the subject of the orders in council and blockade of May 1806, the British government, in conformity to the principle on which the orders in council are said to be founded, declared that they should cease to operate as soon as France revoked her edicts. It was stated also that the British government would proceed *pari passu* with the government of France in the revocation of her edicts. I will proceed to show that the obligation on Great Britain to revoke her orders is complete, according to her own engagement, and that the revocation ought not to be longer delayed.

By the act of May 1st, 1810, it is provided that if either Great Britain or France should cease to violate the neutral commerce of the United States, which fact the president should declare by proclamation, and the other party should not within three months thereafter revoke or modify its edicts in like manner, that then certain sections in a former act interdicting the commercial intercourse between the United States and Great Britain and France and their dependencies, should, from and after the expiration of three months from the date of the proclamation, be revived and have full force against the former, its colonies and dependencies, and against all articles the growth, produce or manufacture of the same.

The violations of neutral commerce alluded to in this act, were such as were committed on the high seas. It was in the trade between the United States and the British dominions that France had violated the neutral rights of the United States by her blockading edicts. It was in the trade with France and her allies that Great Britain had committed similar violations by similar edicts. It was the revocation of those edicts, so far as they committed such violations, which the United States had in view, when they passed the law of May 1, 1810.

On the 5th August, 1810, the French minister of foreign affairs addressed a note to the minister plenipotentiary of the United States at Paris, informing him that the decrees of Berlin and Milan were revoked, the revocation to take effect on the 1st November following: that the measure had been taken by his government in

confidence that the British government would revoke its orders and renounce its new principle of blockade, or that the United States would cause their rights to be respected, conformably to the act of May 1, 1810.

This measure of the French government was founded on the law of May 1, 1810, as is expressly declared in the letter of the duke of Cadore, announcing it. The edicts of Great Britain, the revocation of which was expected by France, were those alluded to in that act; and the means by which the United States should cause their rights to be respected in case Great Britain should not revoke her edicts, were likewise to be found in the same act. They consisted merely in the enforcement of the non-importation act against Great Britain, in that unexpected and improbable contingency.

The letter of the 5th August, which announced the revocation of the French decrees, was communicated to this government; in consequence of which, the President issued a proclamation on the 2d November, the day after that on which the repeal of the French decrees was to take effect, in which he declared, that all the restrictions imposed by the act of May 1, 1810, should cease and be discontinued in relation to France and her dependencies. It was a necessary consequence of this proclamation also, that if Great Britain did not revoke her edicts, the non-importation would operate against her at the end of three months. This actually took place. She declined the revocation, and on the 2d February last, that law took effect. In confirmation of the proclamation an act of congress was passed on the 2d March following.

Great Britain still declines to revoke her edicts on the pretension that France has not revoked hers. Under that impression she infers that the United States have done her injustice by carrying into effect the non-importation against her.

The United States maintain that France has revoked her edicts so far as they violated their neutral rights, and were contemplated by the law of May 1st, 1810, and have on that ground particularly claimed and do expect of Great Britain a similar revocation.

The revocation announced officially by the French minister of foreign affairs to the minister plenipotentiary of the United States at Paris, on the 5th August, 1810, was in itself sufficient to justify the claim of the United States to a correspondent measure from Great Britain. She had declared that she would proceed *pari passu* in the repeal with France, and the day being fixed when the repeal of the French decrees should take effect, it was reasonable to conclude that Great Britain would fix the same day for the repeal of her orders. Had this been done, the proclamation of the President would have announced the revocation of the edicts of both powers at the same time; and in consequence thereof, the non-importation would have gone into operation against neither. Such too is the natural course of proceeding in transactions between independent states; and such the conduct which they generally observe towards each other. In all compacts between nations, it is the duty

of each to perform what it stipulates, and to presume on the good faith of the other, for a like performance. The United States having made a proposal to both belligerents, were bound to accept a compliance from either, and it was no objection to the French compliance, that it was in a form to take effect at a future day, that being a form not unusual in laws and other public acts. Even when nations are at war and make peace, this obligation of mutual confidence exists, and must be respected. In treaties of commerce, by which their future intercourse is to be governed, the obligation is the same. If distrust and jealousy are allowed to prevail, the moral tie which binds nations together in all their relations, in war as well as in peace, is broken.

What would Great Britain have hazarded by a prompt compliance in the manner suggested? She had declared that she had adopted the restraints imposed by her orders in council with reluctance, because of their distressing effect on neutral powers. Here then was a favourable opportunity presented to her, to withdraw from that measure with honour, be the conduct of France afterwards what it might. Had Great Britain revoked her orders, and France failed to fulfil her engagement, she would have gained credit at the expense of France, and could have sustained no injury by it, because the failure of France to maintain her faith would have replaced Great Britain at the point from which she had departed. To say that a disappointed reliance on the good faith of her enemy, would have reproached her foresight, would be to set a higher value on that quality than on consistency and good faith, and would sacrifice to a mere suspicion towards an enemy, the plain obligations of justice towards a friendly power.

Great Britain has declined proceeding *pari passu* with France in the revocation of their respective edicts. She has held aloof, and claims of the United States prove not only that France has revoked her decrees, but that she continues to act in conformity with the revocation.

To show that the repeal is respected, it is deemed sufficient to state that not one vessel has been condemned by French tribunals, on the principle of those decrees, since the 1st November last. The New Orleans Packet from Gibraltar to Bourdeaux, was detained, but never condemned. The Grace Ann Green, from the same British port, to Marseilles, was likewise detained, but afterwards delivered up unconditionally to the owner, as was such part of the cargo of the New Orleans Packet, as consisted of the produce of the United States. Both these vessels proceeding from a British port, carried cargoes, some articles of which in each, were prohibited by the laws France, or admissible by the sanction of the government alone. It does not appear that their detention was imputable to any other cause. If imputable to the circumstance of passing from a British to a French port, or on account of any part of their cargoes, it affords no cause of complaint to Great Britain, as a violation of our neutral rights. No such cause would be afford-

ed, in even a case of condemnation. The right of complaint would have belonged to the United States.

In denying the revocation of the decrees, so far as it is a proper subject of discussion between us, it might reasonably be expected that you would produce some examples of vessels taken at sea, in voyages to British ports, or on their return home, and condemned under them by a French tribunal. None such has been afforded by you. None such are known to this government.

You urge only as an evidence that the decrees are not repealed, the speech of the emperor of France to the deputies from the free cities of Hamburg, Bremen, and Lubeck; the imperial edict dated at Fontainebleau, on the 19th of October, 1810; the report of the French minister of foreign affairs dated in December last, and a letter of the minister of justice to the president of the council of prizes of the 25th of that month.

There is nothing in the first of these papers incompatible with the revocation of the decrees, in respect to the United States. It is distinctly declared by the emperor in his speech to the deputies of the Hanse towns, that the blockade of the British islands shall cease when the British blockades cease; and that the French blockade shall cease in favour of those nations in whose favour Great Britain revokes hers, or who support their rights against her pretension, as France admits the United States will do by enforcing the non-importation act. The same sentiment is expressed in the report of the minister of foreign affairs. The decree of Fontainebleau having no effect on the high seas, cannot be brought into this discussion. It evidently has no connection with neutral rights.

The letter from the minister of justice to the president of the council of prizes, is of a different character. It relates in direct terms to this subject, but not in the sense in which you understand it. After reciting the note from the duke of Cadore of the 5th August last, to the American minister at Paris, which announced the repeal of the French decrees, and the proclamation of the president in consequence of it, it states that all causes arising under those decrees after the 1st of November, which were then before the court, or might afterwards be brought before it, should not be judged by the principles of the decrees, but be suspended until the 2d February, when the United States having fulfilled their engagement, the captures should be declared void, and the vessels and their cargoes delivered up to their owners. This paper appears to afford an unequivocal evidence of the revocation of the decrees, so far as relates to the United States. By instructing the French tribunal to make no decision until the 2d February, and then to restore the property to the owners on a particular event which has happened, all cause of doubt on that point seems to be removed. The United States may justly complain of delay in the restitution of that property, but that is an injury which affects them only. Great Britain has no right to complain of it. She was interested only in the revocation of the decrees by which neutral rights

would be secured from future violation; or if she had been interested in the delay, it would have afforded no pretext for more than a delay in repealing her orders till the 2d February. From that day, at furthest, the French decrees would cease. At the same day ought her orders to have ceased. I might add to this statement that every communication received from the French government, either through our representative there, or its representative here, are in accord with the actual repeal of the Berlin and Milan decrees, in relation to the neutral commerce of the United States. But it will suffice to remark that the best and only adequate evidence of their ceasing to operate, is the defect of evidence that they do operate. It is a case where the want of proof against the fulfilment of a pledge is proof of the fulfilment. Every case occurring, to which, if the decrees were in force, they would be applied, and to which they are not applied, is a proof they are not in force. And if these proofs have not been more multiplied, I need not remind you, that a cause is to be found in the numerous captures under your orders in council, which continue to evince the rigor with which they are enforced, after a failure of the basis on which they were supposed to rest.

But Great Britain contends, as appears by your last letter, that she ought not to revoke her orders in council, until the commerce of the continent is restored to the state on which it stood before the Berlin and Milan decrees issued; until the French decrees are repealed, not only as to the United States, but so as to permit Great Britain to trade with the continent. Is it then meant that Great Britain should be allowed to trade with all the powers with whom she traded at that epoch? Since that time France has extended her conquests to the north, and raised enemies against Great Britain, were she then had friends. Is it proposed to trade with them notwithstanding the change in their situation? Between the enemies of one date and those of another, no discrimination can be made. There is none in reason, nor can there be any of right, in practice. Or do you maintain the general principle, and contend that Great Britain ought to trade with France and her allies? Between enemies there can be no commerce. The vessels of either taken by the other are liable to confiscation, and are always confiscated. The number of enemies or extent of country which they occupy, cannot affect the question. The laws of war govern the relation which subsists between them, which, especially in the circumstance under consideration, are invariable. They were the same in times the most remote that they now are. Even if peace had taken place between Great Britain and the powers of the continent, she could not trade with them without their consent. Or does Great Britain contend, that the United States, as a neutral power, ought to open the continent to her commerce, on such terms as she may designate? On what principle can she set up such a claim? No example of it can be found in the history of past wars, nor is it founded in any recognized principle of war, or in any semblance of reason or right. The United States could not maintain such a claim in their own favour,

though neutral. When advanced in favour of an enemy, it would be the most preposterous and extravagant claim ever heard of. Every power, where not restrained by treaty, has a right to regulate its trade with other nations, in such manner as it finds most consistent with its interest; to admit, and on its own conditions, or to prohibit the importation of such articles as are necessary to supply the wants, or encourage the industry of its people. In what light would Great Britain view an application from the United States, for the repeal, of right, of any act of her parliament, which prohibited the importation of any article from the United States, such as their fish or their oil? Or which claimed the diminution of the duty on any other, such as their tobacco, on which so great a revenue is raised? In what light would she view a similar application, made at the instance of France, for the importation into England, of any article the growth or manufacture of that power, which it was the policy of the British government to prohibit?

If delays have taken place in the restitution of American property, and in placing the American commerce in the ports of France on a fair and satisfactory basis, they involve questions, as has already been observed, in which the United States alone are interested. As they do not violate the revocation by France, of her edicts, they cannot impair the obligation of Great Britain to revoke hers, nor change the epoch at which the revocation ought to have taken place. Had that duly followed, it is more than probable that those circumstances, irrelative as they are, which have excited doubt in the British government, of the practical revocation of the French decrees, might not have occurred.

Every view which can be taken of this subject, increases the painful surprise at the innovations on all the principles and usages heretofore observed, which are so unreservedly contended for in your letters of the 3d and 16th instant, and which, if persisted in by your government, present such an obstacle to the wishes of the United States, for a removal of the difficulties which have been connected with the orders in council. It is the interest of belligerents to mitigate the calamities of war, and neutral powers possess ample means to promote that object, provided they sustain with impartiality and firmness the dignity of their station. If belligerents expect advantage from neutrals, they should leave them in the full enjoyment of their rights. The present war has been oppressive beyond example, by its duration, and by the desolation which it has spread throughout Europe. It is highly important that it should assume, at least, a milder character. By the revocation of the French edicts, so far as they respected the neutral commerce of the United States, some advance is made towards that most desirable and consoling result. Let Great Britain follow the example. The ground thus gained will soon be enlarged by the concurring and pressing interests of all parties, and whatever is gained will accrue to the advantage of afflicted humanity.

I proceed to notice another part of your letter of the 3d instant, which is reviewed in a more favourable light. The president has received with great satisfaction, the communication, that should the orders in council of 1807, be revoked, the blockade of May, of the preceding year, would cease with them, and that any blockade which should be afterwards instituted, should be duly notified and maintained by an adequate force. This frank and explicit declaration, worthy of the prompt and amicable measure adopted by the prince regent in coming into power, seems to remove a material obstacle to an accommodation of differences between our countries, and when followed by the revocation of the orders in council, will, as I am authorized to inform you, produce an immediate termination of the non-importation law, by an exercise of the power vested in the president for that purpose.

I conclude with remarking, that if I have confined this letter to the subjects brought into view by yours, it is not because the U. States have lost sight, in any degree, of the other very serious causes of complaint, on which they have received no satisfaction, but because the conciliatory policy of this government has thus far separated the case of the orders in council from others, and because, with respect to these others, your communication has not afforded any reasonable prospect of resuming them, at this time, with success. It is presumed that the same liberal view of the true interests of Great Britain, and friendly disposition towards the United States, which induced the prince regent to remove so material a difficulty as had arisen in relation to a repeal of the orders in council, will lead to a more favourable further consideration of the remaining difficulties on that subject, and that the advantages of an amicable adjustment of every question depending between the two countries, will be seen by your government in the same light as they are by that of the United States. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Augustus J. Foster, Esquire, &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 24, 1811.

Having been unable to ascertain distinctly from your letter to me of yesterday's date whether it was the determination of the president to rest satisfied with the partial repeal of the Berlin and Milian decrees, which you believe has taken place, so as to see no reason in the conduct of France for altering the relations between this country and Great Britain, by exercising his power of suspending the operation of the non-importation act; allow me to repeat my question to you on this point, as contained in my letter of the 14th instant, before I proceed to make any comments on your answer. I have the honour to be, with distinguished consideration, sir, your most obedient humble servant,

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, Secretary of State.

Mr. Monroe to Mr. Foster.

SIR,

Department of State, July 26, 1811.

I had the honour to receive your letter of yesterday's date, in time to submit it to the view of the president before he left town.

It was my object to state to you in my letter of the 23d instant, that under existing circumstances, it was impossible for the president to terminate the operation of the non-importation law of the 2d March last: that France having accepted the proposition made by a previous law equally to Great Britain and to France, and having revoked her decrees, violating our neutral rights, and Great Britain having declined to revoke hers, it became the duty of this government to fulfil its engagement, and to declare the non-importation law in force against Great Britain.

This state of affairs has not been sought by the United States. When the proposition contained in the law of May 1st, 1810, was offered equally to both powers, there was cause to presume that Great Britain would have accepted it, in which event the non-importation law would not have operated against her.

It is in the power of the British government, at this time, to enable the president to set the non-importation law aside, by rendering to the United States an act of justice. If Great Britain will cease to violate their neutral rights by revoking her orders in council, on which event alone the president has the power, I am instructed to inform you that he will, without delay, exercise it by terminating the operation of this law.

It is presumed that the communications which I have had the honour to make to you, of the revocation by France of her decrees, so far as they violated the neutral rights of the United States, and of her conduct since the revocation, will present to your government a different view of the subject from that which it had before taken, and produce in its councils a corresponding effect. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Aug. J. Foster, Esq. &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 26, 1811.

I have had the honour to receive your letter of July 23d, in answer to mine of the 3d and 14th instant, which, give me leave to say, were not merely relative to his majesty's orders in council, and the blockade of May, 1806, but also to the president's proclamation of last November, and to the subsequent act of congress of March 2d, as well as to the just complaints which his royal highness, the prince regent, had commanded me to make to your government with respect to the proclamation and to that act.

If the United States' government had expected that I should have made communications which would have enabled them to come to an accommodation with Great Britain, on the ground on which

alone you say it was possible to meet us; and that you mean by that expression a departure from our system of defence against the new kind of warfare still practised by France; I am at a loss to discover from what source they could have derived those expectations, certainly not from the correspondence between the marquis Wellesly and Mr. Pinkney.

Before I proceed to reply to the arguments which are brought forward by you, to show that the decrees of Berlin and Milan are repealed, I must first enter into an explanation upon some points on which you have evidently misapprehended, for I will not suppose you could have wished to misinterpret my meaning.

And first, in regard to the blockade of May, 1806, I must aver that I am wholly at a loss to find out from what part of my letter it is that the president has drawn the *unqualified* inference, that should the orders in council of 1807, be revoked, the blockade of May, 1806, would cease with them. It is most material that on this point no mistake should exist between us. From your letter it would appear as if, on the question of blockade which America had so unexpectedly connected with her demand for a repeal of our orders in council, Great Britain had made the concession required of her; as if, after all that has passed on the subject, after the astonishment and regret of his majesty's government at the United States having taken up the view which the French government presented, of our just and legitimate principles of blockade which are exemplified in the blockade of May, 1806, the whole ground taken by his majesty's government was at once abandoned. When I had the honour to exhibit to you my instructions, and to draw up, as I conceived according to your wishes, and those of the president, a statement of the mode in which that blockade would probably disappear, I never meant to authorize such a conclusion, and I now beg most unequivocally to disclaim it. The blockade of May, 1806, will not continue after the repeal of the orders in council, unless his majesty's government shall think fit to sustain it by the special application of a sufficient naval force, and the fact of its being so continued or not, will be notified at the time. If in this view of the matter, which is certainly presented in a conciliatory spirit, one of the obstacles to a complete understanding between our countries can be removed by the United States' government waiving all further reference to that blockade, when they can be justified in asking a repeal of the orders, and I may communicate this to my government, it will, undoubtedly, be very satisfactory: but I beg distinctly to disavow having made any acknowledgment that the blockade would cease merely in consequence of a revocation of the orders in council. Whenever it does cease, it will cease because there will be no adequate force applied to maintain it.

On another very material point, sir, you appear to have misconstrued my words; for in no one passage of my letter can I discover any mention of innovations on the part of Great Britain, such as you say excited a painful surprise in your government. There

is no new pretension set up by his majesty's government. In answer to questions of yours as to what were the decrees or regulations of France which Great Britain complained of, and against which she directs her retaliatory measures, I brought distinctly into your view the Berlin and Milan decrees; and you have not denied, because indeed you could not, that the provisions of those decrees were new measures of war on the part of France, acknowledged as such by her ruler, and contrary to the principles and usages of civilized nations. That the present war has been oppressive beyond example by its duration, and the desolation it spreads through Europe, I willingly agree with you, but the United States cannot surely mean to attribute the cause to Great Britain. The question between Great Britain and France is that of an honorable struggle against the lawless efforts of an ambitious tyrant, and America can but have the wish of every independent nation as to its result.

On a third point, sir, I have also to regret that my meaning should have been mistaken. Great Britain never contended that British merchant vessels should be allowed to trade with her enemies, or that British property should be allowed entry into their ports, as you would infer; such a pretension would indeed be preposterous; but Great Britain does contend against the system of terror put in practice by France, by which usurping authority, wherever her arms or the timidity of nations will enable her to extend her influence, she makes it a crime to neutral countries as well as individuals that they should possess articles, however acquired, which may have been once the produce of English industry or of the British soil. Against such an abominable and extravagant pretension, every feeling must revolt; and the honour, no less than the interest, of Great Britain engages her to oppose it.

Turning to the course of argument contained in your letter, allow me to express my surprise at the conclusion you draw in considering the question of priority, relative to the French decrees or British orders in council. It was clearly proved that the blockade of May, 1806, was maintained by an adequate naval force, and therefore was a blockade founded on just and legitimate principles; and I have not heard that it was considered in a contrary light, when notified as such to you by Mr. Secretary Fox, nor until it suited the views of France to endeavour to have it considered otherwise. Why America took up the view the French government chose to give of it, and could see in it grounds for the French decrees, was always matter of astonishment in England.

Your remarks on the modifications at various times, of our system of retaliation, will require the less reply, from the circumstance of the order in council of April 1809, having superseded them all. They were calculated for the avowed purpose of softening the effect of the original orders on neutral commerce, the incidental effect of those orders on neutrals having been always sincerely regretted

by his majesty's government; but when it was found that neutrals objected to them, they were removed.

As to the principle of retaliation, it is founded on the just and natural right of self defence against our enemy: if France is unable to enforce her decrees on the ocean it is not from the want of will, for she enforces them wherever she can do it; her threats are only empty where her power is of no avail.

In the view you have taken of the conduct of America, in her relations with the two belligerents, and in the conclusion you draw with respect to the impartiality of your country, as exemplified in the non-importation law, I lament to say I cannot agree with you. That act is a direct measure against the British trade, enacted at a time when all the legal authorities in the United States appeared ready to contest the statement of a repeal of the French decrees, on which was founded the president's proclamation of November 2d, and consequently to dispute the justice of the proclamation itself.

You urge, sir, that the British government promised to proceed *pari passu* with France in the repeal of her edicts. It is to be wished you could point out to us any step France has taken in the repeal of hers. Great Britain has repeatedly declared that she would repeal when the French did so, and she means to keep to that declaration.

I have stated to you that we could not consider the letter of August 5, declaring the repeal of the French edicts, provided we revoked our orders in council, or America resented our not doing so, as a step of that nature; and the French government knew that we could not; their object was, evidently, while their system was adhered to in all its rigor, to endeavour to persuade the American government that they had relaxed from it, and to induce her to proceed in enforcing the submission of Great Britain to the inordinate demands of France. It is to be lamented that they have but too well succeeded; for the United States' government appear to have considered the French declaration in the sense in which France wished it to be taken, as an absolute repeal of her decrees, without adverting to the conditional terms which accompanied it.

But you assert that no violations of your neutral rights by France occur on the high seas; and that these were all the violations alluded to in the act of Congress of May 1810. I readily believe, indeed, that such cases are rare, but it is owing to the preponderance of the British navy that they are so. When scarce a ship under the French flag can venture to sea without being taken, it is not extraordinary that they make no captures. If such violations alone were within the purview of your law, there would seem to have been no necessity for its enactment. The British navy might have been safely trusted for the prevention of their occurrence. But I have always believed, and my government has believed, that the American legislators had in view in the provisions of their law, as it respects France, not only her deeds of violence on the seas, but all

the novel and extraordinary pretensions and practices of her government which infringed their neutral rights.

We have no evidence, as yet, of any of those pretensions being abandoned. To the ambiguous declaration in Mr. Champagny's note, is opposed the unambiguous and personal declaration of Bonaparte himself. You urge that there is nothing incompatible with the revocation of the decrees, in respect to the United States, in his expressions to the deputies from the free cities of Hamburg, Bremen and Lubeck; that it is distinctly stated in that speech *that the blockade of the British Islands shall cease when the British blockades cease*, and that the French blockade shall cease in favour of those nations in whose favour Great Britain revokes hers, or who support their rights against her pretension.

It is to be inferred from this and the corresponding parts of the declaration alluded to, that unless Great Britain sacrifices her principles of blockade, which are those authorized by the established law of nations, France will still maintain her decrees of Berlin and Milan, which indeed the speech in question declares to be the fundamental laws of the French empire.

I do not, I confess, conceive how these avowals of the ruler of France can be said to be compatible with the repeal of his decrees in respect to the United States. If the United States are prepared to insist on the sacrifice by Great Britain of the ancient and established rules of maritime war practised by her, then, indeed, they may avoid the operation of the French decrees; but otherwise, according to this document, it is very clear that they are still subjected to them.

The decree of Fontainebleau is confessedly founded on the decrees of Berlin and Milan, dated the 19th October, 1810, and proves their continued existence. The report of the French minister of December 8, announcing the perseverance of France in her decrees, is still further in confirmation of them, and a re-perusal of the letter of the minister of justice of the 25th last December, confirms me in the inference I drew from it; for, otherwise, why should that minister make the prospective restoration of American vessels taken after the 1st November, to be a consequence of the non-impotation and not of the French revocation. If the French government had been sincere they would have ceased infringing on the neutral rights of America after the first November: that they violated them, however, after that period, is notorious.

Your government seem to let it be understood that an ambiguous declaration from Great Britain, similar to that of the French minister, would have been acceptable to them. But, sir, is it consistent with the dignity of a nation that respects itself to speak in ambiguous language? The subjects and citizens of either country would, in the end, be the victims, as many are already, in all probability, who from a misconstruction of the meaning of the French government, have been led into the most imprudent speculations. Such conduct would not be to proceed *pari passu* with France in revok-

ing our edicts, but to descend to the use of the perfidious and juggling contrivances of her cabinet, by which she fills her coffers at the expense of independent nations. A similar construction of proceeding *pari passu* might lead to such decrees as those of Rambouillet or of Bayonne, to the system of exclusion or of licenses; all measures of France against the American commerce, in nothing short of absolute hostility.

It is urged that no vessel has been condemned by the tribunals of France on the principles of her decrees since the 1st November. You allow, however, that there have been some detained since that period, and that such part of the cargoes as consisted of goods not the produce of America was seized, and the other part, together with the vessel itself, only released after the president's proclamation became known in France. These circumstances surely only prove the difficulty that France is under in reconciling her anti-commercial and anti-neutral system with her desire to express her satisfaction at the measures taken in America against the commerce of Great Britain. She seizes in virtue of the Berlin and Milan decrees, but she makes a partial restoration for the purpose of deceiving America.

I have now followed you, I believe, sir, though the whole range of your argument, and on reviewing the course of it I think I may securely say, that no satisfactory proof has as yet been brought forward of the repeal of the obnoxious decrees of France, but on the contrary that it appears they continue in full force, consequently that no grounds exist on which you can with justice demand of Great Britain a revocation of her orders in council; that we have a right to complain of the conduct of the American government in enforcing the provisions of the act of May, 1810, to the exclusion of the British trade, and afterwards in obtaining a special law for the same purpose, though it was notorious at the time that France still continued her aggressions upon American commerce, and had recently promulgated anew her decrees, suffering no trade from this country but through licenses publicly sold by her agents, and that all the suppositions you have formed of innovations on the part of Great Britain, or of her pretensions to trade with her enemies, are wholly groundless. I have also stated to you the view his majesty's government has taken of the question of the blockade of May, 1806, and it now only remains that I urge afresh the injustice of the United States' government persevering in their union with the French system, for the purpose of crushing the commerce of Great Britain.

From every consideration which equity, good policy or interest can suggest, there appears to be such a call upon America to give up this system which favours France to the injury of Great Britain, that I cannot, however little satisfactory your communications, as yet abandon all hopes that even before the congress meet, a new

view may be taken of the subject by the president, which will lead to a more happy result. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The honorable James Monroe, &c.

Mr. Monroe to Mr. Foster.

SIR,

Department of State, October 1, 1811.

I have had the honour to receive your letter of the 26th of July, and to submit it to the view of the president.

In answering that letter, it is proper that I should notice a complaint that I had omitted to reply in mine of the 23d of July, to your remonstrance against the proclamation of the president of November last, and to the demand which you had made, by the order of your government, of the repeal of the non-importation act of March 2d, of the present year.

My letter has certainly not merited this imputation.

Having shown the injustice of the British government in issuing the orders in council on the pretext assigned, and its still greater injustice in adhering to them after that pretext had failed, a respect for Great Britain, as well as for the United States, prevented my placing in the strong light in which the subject naturally presented itself, the remonstrance alluded to, and the extraordinary demand founded on it, that while your government accommodated in nothing, the United States should relinquish the ground, which, by a just regard to the public rights and honour, they had been compelled to take. Propositions tending to degrade a nation can never be brought into discussion by a government not prepared to submit to the degradation. It was for this reason that I confined my reply to those passages in your letter, which involved the claim of the United States, on the principles of justice, to the revocation of the orders in council. Your demand, however, was neither unnoticed nor unanswered. In laying before you the complete, and as was believed, irresistible proof on which the United States expected, and called for the revocation of the orders in council, a very explicit answer was supposed to be given to that demand.

Equally unfounded is your complaint that I misunderstood that passage which claimed, as a condition of the revocation of the orders in council, that the trade of Great Britain with the continent should be restored to the state in which it was before the Berlin and Milan decrees were issued. As this pretension was novel and extraordinary, it was necessary that a distinct idea should be formed of it, and, with that view, I asked such an explanation as would enable me to form one.

In the explanation given, you do not insist on the right to trade in British property with British vessels, directly with your enemies. Such a claim you admit would be preposterous. But you do insist by necessary implication that France has no right to inhibit the importation into her ports of British manufactures, or the produce

of the British soil, when the property of neutrals; and that, until France removes that inhibition, the United States are to be cut off by Great Britain from all trade whatever with her enemies.

On such a pretension it is almost impossible to reason. There is, I believe, no example of it in the history of past wars. Great Britain, the enemy of France, undertakes to regulate the trade of France; nor is that all; she tells her that she must trade in British goods. If France and Great Britain were at peace, this pretension would not be set up, nor even thought of. Has Great Britain then acquired, in this respect, by war, rights which she has not in peace? And does she announce to neutral nations, that unless they consent to become the instruments of this policy, their commerce shall be annihilated, their vessels shall be shut up in their own ports?

I might ask whether French goods are admitted into Great Britain, even in peace, and if they are, whether it be of right, or by the consent and policy of the British government?

That the property would be neutralized does not affect the question. If the United States have no right to carry their own productions into France without the consent of the French government, how can they undertake to carry there those of Great Britain? In all cases it must depend on the interest and the will of the party.

Nor is it material to what extent, or by what powers, the trade to the continent is prohibited. If the powers who prohibit it, are at war with Great Britain, the prohibition is a necessary consequence of that state. If at peace, it is their own act, and whether it be voluntary or compulsive, they alone are answerable for it. If the act be taken at the instigation and under the influence of France, the most that can be said is, that it justifies reprisal against them by a similar measure; on no principle whatever can it be said to give any sanction to the conduct of Great Britain towards neutral nations.

The United States can have no objection to the employment of their commercial capital in the supply of France, and of the continent generally, with manufactures, and to comprise in the supply those of Great Britain, provided those powers will consent to it. But they cannot undertake to force such supplies on France or on any other power, in compliance with the claim of the British government, on principles incompatible with the rights of every independent nation, and they will not demand in favour of another power, what they cannot claim for themselves.

All that Great Britain could with reason complain of, was the inhibition by the French decrees, of the lawful trade of neutrals with the British dominions. As soon as that inhibition ceased, her inhibition of our trade with France ought in like manner to have ceased. Having pledged herself to proceed *pari passu* with France, in the revocation of their respective acts violating neutral rights, it has afforded just cause of complaint, and even of astonishment, to the United States, that the British government should have sanctioned the seizure and condemnation of American vessels, under

the orders in council, after the revocation of the French decrees was announced, and even in the very moment when your mission, avowed to be conciliatory, was to have its effect. I will only add, that had it appeared finally, that France had failed to perform her engagement, it might at least have been expected, that Great Britain would not have molested such of the vessels of the United States as might be entering the ports of France, on the faith of both governments, till that failure was clearly proved.

To many insinuations in your letter, I make no reply, because they sufficiently suggest the only one that would be proper.

If it were necessary to dwell on the impartiality which has been observed by the United States towards the two belligerents, I might ask, whether, if Great Britain had accepted the condition which was offered equally to her and France, by the act of May 1, 1810, and France had rejected it, there is cause to doubt that the non-importation act would have been carried into effect against France? No such doubt can possibly exist, because in a former instance when this government, trusting to a fulfilment by yours, of an arrangement which put an end to a non-intercourse with Great Britain, the non-intercourse was continued against France, who had not then repealed her decrees, as it was not doubted that England had done. Has it not been repeatedly declared to your government that if Great Britain would revoke her orders in council, the president would immediately cause the non-importation to cease? You well know that the same declaration has been often made to yourself, and that nothing is wanting to the removal of the existing obstructions to the commerce between the two countries, than a satisfactory assurance, which will be received with pleasure from yourself, that the orders in council are at an end.

By the remark in your letter of the 3d of July, that the blockade of May, 1806, had been included in the more comprehensive system of the orders in council of the following year, and that, if that blockade should be continued in force, after the repeal of the orders in council, it would be in consequence of the special application of a sufficient naval force; I could not but infer your idea to be, that the repeal of the orders in council would necessarily involve the repeal of the blockade of May. I was the more readily induced to make this inference from the consideration, that if the blockade was not revoked by the repeal of the orders in council, there would be no necessity for giving notice that it would be continued, as by the further consideration, that according to the decision of your court of admiralty, a blockade instituted by proclamation, does not cease by the removal of the force applied to it, nor without a formal notice by the government to that effect.

It is not, however, wished to discuss any question relative to the mode by which that blockade may be terminated. Its actual termination is the material object for consideration.

It is easy to show, and it has already been abundantly shown, that the blockade of May, 1806, is inconsistent in any view that may be

taken of it, with the law of nations. It is also easy to show that, as now expounded, it is equally inconsistent with the sense of your government when the order was issued, and this change is a sufficient reply to the remarks which you have applied to me personally.

If you will examine the order, you will find that it is strictly little more than a blockade of the coast from the Seine to Ostend. There is an express reservation in it, in favour of neutrals to any part of the coast between Brest and the Seine, and between Ostend and the Elbe. Neutral powers are permitted by it to take from their own ports every kind of produce without distinction, as to its origin, and to carry it to the continent, under that limitation, and with the exception only of contraband of war and enemy's property, and to bring thence to their own ports in return whatever articles they think fit. Why were contraband of war and enemy's property excepted, if a commerce even in those articles would not otherwise have been permitted under the reservation? No order was necessary to subject them to seizure; they were liable to it by the law of nations, as asserted by Great Britain.

Why then did the British government institute a blockade which, with respect to neutrals, was not vigorous as to the greater part of the coast comprised in it? If you will look to the state of things which then existed between the United States and Great Britain, you will find the answer—a controversy had taken place between our governments on a different topic, which was still depending. The British government had interfered with the trade between France and her allies, in the produce of their colonies. The just claim of the United States was then a subject of negotiation, and your government, professing its willingness to make a satisfactory arrangement of it, issued the order which allowed the trade, without making any concession as to the principle, reserving that for adjustment by treaty. It was in this light that I viewed, and in this sense that I represented that order to my government, and in no other did I make any comment on it.

When you reflect that this order, by allowing the trade of neutrals in colonial productions to all that portion of the coast which was not rigorously blockaded, afforded to the United States an accommodation in a principal point then at issue between our governments, and of which their citizens extensively availed themselves; that that trade, and the question of blockade, and every other question in which the United States and Great Britain were interested, were then in a train of amicable negotiation; you will, I think, see the cause why the minister, who then represented the United States with the British government, did not make a formal complaint against it. You have appealed to me, who happened to be that minister, and urged my silence as an evidence of my approbation of, or at least acquiescence in the blockade: an explanation of the cause of that supposed silence, is not less due to myself than to the true character of the transaction. With the minister with whom I had the

honour to treat, I may add, that an official formal complaint was not likely to be resorted to, because friendly communications were invited and preferred. The want of such a document is no proof that the measure was approved by me, or that no complaint was made.

In recalling to my mind, as this incident naturally does, the manly character of that distinguished and illustrious statesman, and the confidence with which he inspired all those with whom he had to treat, I shall be permitted to express, as a slight tribute of respect to his memory, the very high consideration in which I have always held his great talents and virtues.

The United States have not, nor can they approve the blockade of an extensive coast. Nothing certainly can be inferred from any thing that has passed relative to the blockade of May, 1806, to countenance such an inference.

It is seen with satisfaction that you still admit that the application of an adequate force is necessary to give a blockade a legal character, and that it will lose that character, whenever that adequate force ceases to be applied. As it cannot be alleged that the application of any such adequate force has been continued and actually exists, in the case of the blockade of May, 1806, it would seem to be a fair inference that the repeal of the orders in council will leave no insuperable difficulty with respect to it. To suppose the contrary would be to suppose that the orders in council, said to include that blockade, resting themselves on a principle of retaliation only, and not sustained by the application of an adequate force, would have the effect of sustaining a blockade admitted to require the application of an adequate force, until such adequate force should actually take the place of the orders in council. Whenever any blockade is instituted, it will be a subject for consideration, and if the blockade be in conformity to the law of nations, there will be no disposition in this government to contest it. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Aug. J. Foster, Esq. &c.

Mr. Monroe to Mr. Foster.

SIR,

Department of State, October 17, 1811.

I have the honour to communicate to you a copy of two letters from the charge d'affaires of the United States at Paris, to their charge d'affaires at London, and a copy of a correspondence of the latter with the marquis of Wellesley on the subject. By this it will be seen that Mr. Smith was informed by the marquis of Wellesley, that he should transmit to you a copy of the communication from Paris, that it might have full consideration in the discussions depending here.

Although an immediate repeal was to have been expected from your government, on the receipt of this communication, if the new proof which it affords of the French repeal was satisfactory; yet it

will be very agreeable to learn that you are now authorized to concur in an arrangement that will terminate both the orders in council and the non-importation act. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Augustus J. Foster, Esq. &c. &c. &c.

P. S. Hearing that you will not be in town for several days, this letter, and one bearing date on the 1st of this month, which I had prepared, and intended to deliver to you on my return here, are forwarded by a special messenger.

Mr. Russel to Mr. J. S. Smith.

SIR,

Paris, July 5, 1811.

I observe by your letter of the 7th ultimo, your solicitude to obtain evidence of the revocation of the Berlin and Milan decrees.

On the 5th of August last the duke of Cadore announced to general Armstrong, that these decrees were revoked, and that they would cease to operate on the 1st of November. Since the 1st of November these decrees have not, to my knowledge, in any instance been executed to the prejudice of American property arriving since that time; on the contrary, the Grace Ann Greene, coming clearly within the penal terms of those decrees, had they continued in force, was liberated in December last, and her cargo admitted in April. This vessel had, indeed, been taken by the English, and retaken from them; but as this circumstance is not assigned here as the cause of the liberation of this property, it ought not to be presumed to have operated alone as such.

Whatever special reasons may be supposed for the release of the Grace Ann Greene, that of the New Orleans Packet must have resulted from the revocation of the French edicts.

The New Orleans Packet had been boarded by two English vessels of war, and had been some time at an English port, and thus doubly transgressed against the decrees of Milan. On arriving at Bourdeaux, she was in fact seized by the director of the customs, and these very transgressions expressly assigned as the cause of seizure. When I was informed of this precipitate act of the officer at Bourdeaux, I remonstrated against it on the sole ground that the decrees under which it was made, had been revoked. This remonstrance was heard. All further proceedings against the New Orleans Packet were arrested, and on the 9th of January, both the vessel and cargo were ordered to be placed at the disposition of the owners, on giving bond. This bond has since been cancelled by an order of the government; and thus the liberation of the property perfected. The New Orleans Packet has been some time waiting in the Garonne, with her return cargo on board, for an opportunity only of escaping the English orders in council.

I know of no other American vessel arrived voluntarily in the empire of France or the kingdom of Italy, since 1st of November,

to which the decrees of Berlin and Milan could be applied. I am, sir, very respectfully, your obedient servant,

(Signed)

JONA. RUSSEL.

J. S. Smith, Esquire, Charge d'affaires, London.

Mr. Russel to Mr. J. S. Smith.

SIR,

Paris, July 14, 1811.

I had the honor to address to you, on the 5th instant, a brief account of the Grace Ann Greene and of the New Orleans Packet. The proofs which these cases furnish, especially the latter, ought, when unopposed, as it is, by any conflicting circumstance, to be considered as conclusive of the revocation of the French edicts, to which, if continued in force, these cases would have been liable. In addition, however, to this evidence, I have now the satisfaction to communicate to you the liberation of the Two Brothers, the Good Intent, and the Star, three American vessels captured since the 1st of November, and brought into this empire, or into ports under its control. I should have no doubt been able to have announced the release, by one general decision, of every American vessel captured since that period, if the only inquiry were whether or not they had violated the Berlin and Milan decrees. Unfortunately, however, the practices of late years render the question of property extremely difficult to be satisfactorily decided amidst false papers and false oaths. After the most minute and tedious investigation, it often remains doubtful whether this property belongs to a neutral or an enemy. The time employed in this investigation has surely no connexion with the Berlin and Milan decrees, and cannot be considered as evidence of their continuance.

It is possible that these decrees may be kept in force in their municipal character, and be applied for the confiscation of English merchandise on the continent; and to prevent their performing this function does not appear to be a concern of the United States, nor can the measure adopted in retaliation of it, on the part of England, be justly extended beyond its limits, and made to reach an unoffending neutral power, which the act of her enemy does not affect.

It is sufficient for us, that the Berlin and Milan decrees have ceased to be executed on the high seas, and if the orders in council still continue to operate there, they surely are not supported by any principle of the law of retaliation, but must be considered as a simple and unqualified violation of our neutral and national rights.

The proof now before you of the revocation of the Berlin and Milan decrees, consists in the precise and formal declarations of this government—in its discontinuance to execute them to our prejudice in a single instance—in its having exempted from their operation every vessel arriving spontaneously since the 1st November, to which they could be applied, and every vessel forcibly brought in since that time, on which there has been a decision. After such evidence to pretend to doubt of their revocation with

regard to us, would seem to be the result of something more than mere incredulity. With much respect, I am, sir, &c. &c.

(Signed)

JONA. RUSSEL.

J. S. Smith, Esquire, Charge d'affaires, London.

Mr. J. S. Smith to the Marquis Wellesley.

MY LORD,

Bentinck Street, July 23d, 1811.

The letter which I have the honour to present to your lordship, has been just received by me from Mr. Russel. So full and complete is this document, that I conceive it quite unnecessary to add any comments or remarks of my own. I shall, however, have much pleasure in furnishing any other explanations in my power, either verbal or written, that your lordship may desire.

Any doubts that may have existed here of the effectual repeal of the decrees of Berlin and Milan will now, I feel assured, be completely removed; and I feel equally confident that this revocation of the French edicts will be immediately followed by that of the orders in council, which affect the neutral commerce of the United States. I need not assure your lordship of the great satisfaction I shall have in communicating this event to my government.

As the "orders in council" have been ever declared by his majesty's government to be only of a retaliating character, and that they would cease to have any effect when the causes upon which they were founded had ceased to exist, I trust that no argument is necessary to show (if your lordship shall feel the force with which the accompanying document unequivocally demonstrates the abandonment, on the part of France, of her decrees) that the "orders in council" should be so revoked as to embrace the American vessels that have been captured by British cruisers since the first of November, the period at which the French edicts were revoked.

I have the honour to subjoin to this the circumstances of the two vessels to which Mr. Russell alludes in his letter.

The *Grace Ann Greene* had been captured by an English cruiser, was retaken by her own crew, and arrived at Marseilles, where vessel and cargo were, notwithstanding, admitted.

The *New Orleans Packet* had been boarded by two English cruisers, and had been also at an English port, thus doubly transgressing against the French edicts. She arrived at Bourdeaux, was seized by the director of the customs for these very transgressions, but, on the remonstrance of Mr. Russel, was immediately released, and has been admitted, vessel and cargo. I have the honour, &c.

(Signed)

J. S. SMITH.

The most noble, the marquis Wellesley.

Marquis Wellesley to J. S. Smith, Esq.

SIR,

Foreign Office, August 8, 1811.

Your letter of the 23d ultimo has been under the consideration of his royal highness, the prince regent, and has received all the attention to which it is entitled.

I am commanded by his royal highness to acquaint you, that he has thought fit to postpone the answer to your letter until advices, which are hourly expected, from Mr. Foster shall have been received. I have the honour to be, with great respect and consideration, sir, your most obedient and humble servant,

(Signed)

WELLESLEY.

J. S. Smith, Esq. &c.

Lord Wellesley to J. S. Smith, Esq.

SIR,

Foreign Office, August 14, 1811.

Since the date of my last letter, I have the honour to inform you, that I have received a letter from Mr. Foster, his majesty's minister in America, by which it appears that he had actually commenced a negotiation with the government of the United States, respecting the British orders in council. His despatches containing the particulars of the negotiation, have not yet reached me. Under these circumstances, I have transmitted a copy of your letter, together with its inclosure, to Mr. Foster, in order that those documents may receive full consideration in the progress of the discussions now depending in America. I have the honour to be, &c.

(Signed)

WELLESLEY.

J. S. Smith, Esq. &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, October 22, 1811.

I had the honour to receive your letter of 17th instant, together with its three inclosures, on the road between Batimore and this city; I had that of receiving, at the same time, your letter dated October 1, in answer to mine of the 26th of last July.

Not having had any despatches from his majesty's government lately, I have not as yet received the copy of the recent communication from Paris, in regard to the supposed repeal of the French decrees, which the charge d'affaires of the United States at London has intimated to you that he understood the marquis Wellesley intended to transmit to me, and which I conclude is the same as that contained in the letter of Mr. Russell, the American charge d'affaires in France. I am, however, in daily expectation of the arrival of his majesty's packet boat, when it will, in all probability, reach me, and when, if I should receive any fresh instructions in consequence, I will not fail immediately to acquaint you. In the mean while, however, I beg you will permit me to make some remarks in reply to your letter of October 1, being extremely anxious to

do away the impression which you seem to have received relative to the demand I had made for the repeal of the non-importation act of the present year.

It is, I assure you, sir, with very great regret that I find you consider that demand as involving in any degree propositions tending to degrade your nation. Such an idea certainly never existed with his majesty's government, nor would it be compatible with the friendly sentiments entertained by them for the United States; neither could I have suffered myself to be the channel of conveying a demand which I thought had such a tendency. However you may view the demand made on the part of Great Britain, I can safely say that it was made in consequence of its appearing to his majesty's government on strong evidence that the chief of the French nation had really deceived America as to the repeal of his decrees, and in the hopes that the United States' government would therefore see the justice of replacing this country on its former footing of amicable relations with England; nothing appearing to be more natural than such an expectation, which seemed a necessary consequence of the disposition expressed by America to maintain her neutrality, and desirable in every other point of view. I cannot, indeed, bring myself to think, sir, that your candour would allow you, on a reconsideration, to put any other construction on the matter, and had my arguments had sufficient weight with you in showing that the French decrees were still in force, I cannot doubt but you would have agreed with me in the conclusion I drew. It would seem therefore only owing to your not viewing the deceitful conduct of the French government in the same light that it appears to his majesty's government, that a difference of opinion exists between us as to the proposal I made, which, under the conviction entertained by them, was surely a very just and natural one.

From the earnest desire of vindicating myself and my government from the charge of making any degrading or unjust demands on that of America, I have taken the liberty to trouble you so far, and I will now proceed to show why I thought you had misunderstood the passage of my letter which related to the extent in which the repeal of the French decrees was required by Great Britain. In the explanation which you desired on this point, I gave you that which the marquis Wellesley gave to Mr. Pinkney, in answer to his letter of August 25, 1810, and I beg to refer you to the message of the president of the United States on the opening of Congress in December, 1810, for a proof that the demand of Great Britain, in the extent in which I have stated it, was known to your government several months ago; how was I, therefore, to suppose, in the term innovations as applied to the explanation given by me, that you could mean otherwise than some really new pretension on the part of Great Britain, such as that France should suffer British property to be carried into her ports for the purposes of trade. If the warmth I was betrayed into, in endeavouring to refute a

supposed imputation of this sort, gave any offence, I sincerely regret it; and I will beg permission here to say, sir, that if unconsciously I have, by any of my remarks, led you to suppose they conveyed any improper insinuations, as one paragraph of your letter would appear to imply, I am most unfeignedly sorry for it, as I entertain the highest respect for you personally and for your government, and could only have meant what I wrote in the way of argument, or for the purpose of contrasting the proceedings of France in her conduct towards the United States with that of Great Britain.

In reverting to the extraordinary and unprecedented situation of things that have arisen out of the war in Europe, it would seem needless to repeat the evidence there is that the lawless and unbounded ambition of the ruler of France has been the origin of it, and it cannot be a secret to the United States' government, that his plan has been, and avowedly continues to be, not to scruple at the violation of any law, provided he can thereby overthrow the maritime power of England. Is it not, therefore, reasonable in Great Britain to distrust an ambiguous declaration of his having suddenly given up any part of a system which he thought calculated to produce such an effect? You say, however, that the decrees of Berlin and Milan are revoked. America, as not being at war, and, therefore, not seeing so nearly into the views of France, may be less scrupulous as to the evidence necessary to prove the fact; but, sir, it surely cannot be expected that Great Britain, who is contending for every thing that is dear to her, should not require more proof on a point so material to her. It is undoubtedly a very desirable thing for the United States to have a free and unrestricted trade with both belligerents, but the essential security and most important interests of America are not involved in the question as are those of Great Britain. France has levelled a blow which she hopes will prove deadly to the resources of Great Britain, and before the British government can, with safety, give up the measures of defence in consequence adopted by them, very strong proof must exist of the cessation, by France, of her novel and unprecedented measures.

I confess, sir, with the sincerest disposition to discover on the part of the ruler of France, a return to the long established practice of warfare as exercised in civilized Europe, I have been unable to succeed: and if the French government had really meant to withdraw their obnoxious decrees, it is inconceivable why, instead of allowing their intention to be guessed at or inferred, they should not openly and in plain language have declared so: the decrees themselves having been clearly enough announced on their enactment, why should not their revocation be equally explicit.

While, however, numerous declarations have been made on the part of France, of the continued existence of the decrees, and captures made under them of neutral ships have occurred, a few of the American vessels seized since November 1, have been restored,

and the foregoing, a very small part of his plunder, is desired by Bonaparte to be considered as a proof of the sincerity of his revocation by America; but it must be recollected that besides the object of ruining the British resources, by his own unauthorized regulations, he has also that of endeavouring to obtain the aid of the United States for the same purpose, and herein you will, as I had the honor to remark in a former letter, be able to observe the cause of the apparently contradictory language held both by himself and his ministers.

I should be extremely happy to receive from you, sir, the information that in a frank and unambiguous manner the chief of the French government had revoked his decrees. Why he should not do so is inexplicable, if he means to revert to the ordinary rules of war; but while he exercises such despotic sway wherever his influence extends, to ruin the resources of England, it cannot be expected that Great Britain shall not use the means she possesses for the purpose of making him feel the pressure of his own system. There is every reason to believe that ere long the effects on the enemies of Great Britain, will be such as irresistibly to produce a change which will place commerce on its former basis. In the mean time, sir, I hope you will not think it extraordinary if I should contend that the seizure of American ships by France, since November 1, and the positive and unqualified declarations of the French government, are stronger proofs of the continued existence of the French decrees, and the bad faith of the ruler of France, than the restoration of five or six vessels, too palpably given up for fallacious purposes, or in testimony of his satisfaction at the attitude taken by America, is a proof of their revocation, or of his return to principles of justice.

I will only repeat, sir, in answer to your observations on the late condemnation of the ships taken under his majesty's orders in council, what I have already had the honor to state to you, that the delay which took place in their condemnation, was not a consequence of any doubt existing in his majesty's government, as to whether the French decrees were revoked, as you seem to imagine, but in consequence of its being thought that the American government upon its appearing that they were deceived by France, would have ceased their injurious measures against the British commerce. A considerable time elapsed before the decision took place on those ships, and there is no doubt, but that had the United States' government not persisted in their unfriendly attitude towards Great Britain, on discovering the ill faith of France, a spirit of conciliation in his majesty's government would have caused their release.

In reply to your observations, on these pretensions of Great Britain relative to the revocation of the French decrees, I beg to repeat that the sum of the demands made by England is, that France should follow the established laws of warfare as practised in former wars in Europe. Her ruler, by his decrees of Berlin and Milan, declared himself no longer bound by them; he has openly renounced

them in his violent efforts to ruin the resources of Great Britain, and has trampled on the rights of independent nations to effect his purpose. If the French government make use of means of unprecedented violence, to prevent the intercourse of England with unoffending neutrals, can it be expected that England should tamely suffer the establishment of such a novel system of war without retaliation, and endeavoring in her turn to prevent the French from enjoying the advantages of which she is unlawfully deprived.

Having explained, already, the situation in which the question of the blockade of May, 1806, rests, according to the views of his majesty's government, and the desire of Great Britain to conduct her system of blockade according to the laws of nations, I will only advert to it on this occasion, for the purpose of taking the liberty of acknowledging to you the very great pleasure I received from the highly honorable mark of respect which you have taken the occasion to express for the illustrious statesman from whose counsels that measure emanated.

I need not repeat to you, sir, what sincere satisfaction it would give me if, without the sacrifice of the essential rights and interests of Great Britain, all the points in discussion between our two countries could be finally adjusted. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

To the honourable James Monroe, &c.

Mr. Monroe to Mr. Foster.

SIR,

Department of State, October 29, 1811.

I have had the honour to receive your letter of the 22d of this month, and to lay it before the president.

The assurance which you have given of your disposition to reciprocate, in our communications on the important subjects depending between our governments, the respectful attention which each has a right to claim, and that no departure from it was intended in your letter of the 26th July, has been received with the satisfaction due to the frank and conciliatory spirit in which it was made.

I learn, however, with much regret, that you have received no instructions from your government, founded on the new proof of the revocation of the Berlin and Milan decrees, which was communicated to the marquis of Wellesley, by the American charge d'affaires at London, in a document of which I had the honour to transmit to you a copy. It might fairly have been presumed, as I have before observed, that the evidence afforded by that document, of the complete revocation of those decrees, so far as they interfered with the commerce of the United States with the British dominions, would have been followed by an immediate repeal of the orders in council. From the reply of the marquis of Wellesley, it was at least to have been expected that no time had been lost in transmitting that document to you, and that the instructions accompanying it would have manifested a change in the sentiments of your government on the subject. The regret, therefore, cannot

but be increased, in finding that the communication, which I had the honour to make to you, has not even had the effect of suspending your efforts to vindicate the perseverance of your government in enforcing those orders.

I regret also to observe, that the light in which you have viewed this document, and the remarks which you have made on the subject generally, seem to preclude any other view of the conditions on which those orders are to be revoked, than those that were furnished by your former communications. You still adhere to the pretension that the productions and manufactures of Great Britain, when neutralized, must be admitted into the ports of your enemies. This pretension, however vague the language heretofore held by your government, particularly by the marquis of Wellesley in his communications with Mr. Pinkney on the subject, was never understood to have been embraced. Nothing, indeed, short of the specific declarations which you have made, would have induced a belief that such was the case. I have the honour to be, &c. &c.

(Signed)

JAS. MONROE.

Augustus J. Foster, Esquire, &c. &c. &c.

Mr. Foster to Mr. Monroe.

SIR,

Washington, October 31, 1811.

I did not reply at great length to the observations contained in your letter of the 1st instant, on the pretensions of Great Britain as relative to the French system, because you seemed to me to have argued as if but a part of the system continued, and even that part had ceased to be considered as a measure of war against Great Britain. For me to have allowed this, would have been at once to allow in the face of facts that the decrees of France were repealed, and that her unprecedented measures, avowedly pursued in defiance of the laws of nations, were become mere ordinary regulations of trade. I therefore thought fit to confine my answer to your remarks, to a general statement of the sum of the demands of Great Britain, which was, that France should, by effectually revoking her decrees, revert to the usual method of carrying on war as practised in civilized Europe.

The pretension of France to prohibit all commerce in articles of British origin, in every part of the continent, is one among the many violent innovations which are contained in the decrees, and which are preceded by the declaration of their being founded on a determination of the ruler of France, as he himself avowed, to revert to the principles which characterized the barbarism of the dark ages, and to forget all ideas of justice and even the common feelings of humanity in the new method of carrying on war adopted by him.

It is not, however, a question with Great Britain of mere commercial interest, as you seem to suppose, which is involved in the attempt by Bonaparte to blockade her both by sea and land, but one of feeling and of national honour, contending as we do against

the principles which he professes in his new system of warfare. It is impossible for us to submit to the doctrine that he has a right to compel the whole continent to break off all intercourse with us, and to seize upon vessels belonging to neutral nations, upon the sole plea of their having visited an English port, or of their being laden with articles of British or colonial produce, in whatsoever manner acquired.

This pretension, however, is but a part of that system, the whole of which, under our construction of the letter of M. Champagny, of August 5, 1810, corroborated by many subsequent declarations of the French government, and not invalidated by any unequivocal declaration of a contrary tenor, must be considered as still in full force.

In the communication which you lately transmitted to me, I am sorry to repeat that I was unable to discover any facts which satisfactorily proved that the decrees had been actually repealed, and I have already repeatedly stated the reasons which too probably led to the restoration of a few of the American ships taken in pursuance of the Berlin and Milan decrees after November 1. Mr. Russel does not seem to deny that the decrees may still be kept in force, only he thinks they have assumed a municipal character; but in M. Champagny's declaration, ambiguous as it was, there is no such division of them into two different characters; for if the contingency required by the French minister took place, the Berlin and Milan decrees were to cease, according to his expression, without any qualification. If therefore a part of them remain, or be revived again, as seems to be allowed even here, why may not the whole be equally so? Where proof can be obtained of their existence we have it; namely, in the ports of France in which vessels have been avowedly seized under their operation since November 1. Of their maritime existence we cannot so easily obtain evidence, because of the few French ships of war which venture to leave their harbours. Who can doubt, however, but that, had the ruler of France a navy at his command equal to the enforcing of his violent decrees, he would soon show that part of them to be no dead letter. The principle is not the less obnoxious because it is from necessity almost dormant for the moment, nor ought it therefore to be less an object to be strenuously resisted.

Allow me, sir, here to express my sincere regret that I have not as yet been able to convince you, by what I cannot but consider the strongest evidence, of the continued existence of the French decrees, and consequently of the unfriendly policy of your government in enforcing the non-importation against us and opening the trade with our enemies. His royal highness will, I am convinced, learn with unfeigned sorrow, that such continues to be still the determination of America, and whatever restrictions on the commerce enjoyed by America in his majesty's dominions may ensue on the part of Great Britain, as retaliatory on the refusal by your government to admit the productions of Great Britain while they

open their harbours to those of his majesty's enemies, they will, I am persuaded, be adopted with sincere pain, and with pleasure relinquished whenever this country shall resume her neutral position and impartial attitude between the two belligerents. I have the honour to be, &c. &c. &c.

(Signed)

AUG. J. FOSTER.

The honourable James Monroe, &c.

CORRESPONDENCE

Between Mr. Monroe and Mr. Foster, relative to the Floridas.

Mr. Foster to Mr. Monroe.

SIR,

Washington, July 2, 1811.

The attention of his majesty's government has of late been called to the measures pursued by the United States, for the military occupation of West Florida. The language held by the president, at the opening of the late session of congress, the hostile demonstrations made by the American forces under captain Gaines, the actual summoning of the fort of Mobile, and the bill submitted to the approbation of the American legislature, for the interior administration of the province, are so many direct and positive proofs that the government of America is prepared to subject the province of West Florida to the authority of the United States.

The Spanish minister in London addressed a note, in the month of March last, to his majesty's secretary of state for foreign affairs, expressing in sufficient detail the feelings of the government of Spain, respecting this unprovoked aggression on the integrity of that monarchy.

Mr. Morier in his note to Mr. Smith of December 15, 1810, has already reminded the American government of the intimate alliance subsisting between his majesty and Spain, and he has desired such explanations on the subject, as might convince his majesty of the pacific disposition of the United States towards Spain. Mr. Smith in his reply has stated, it was evident that no hostile or unfriendly purpose was entertained by America towards Spain; and that the American minister at his majesty's court, had been enabled to make whatever explanations might comport with the frank and conciliatory spirit which had been invariably manifested on the part of the United States.

Since the date of this correspondence Mr. Pinkney has offered no explanation whatever, of the motives which have actuated the conduct of the United States in this transaction; a bill has been introduced into congress for the establishment, government, and protection of the territory of the Mobile, and the fortress of that name has been summoned without effect.

His royal highness, the prince regent, in the name and on the behalf of his majesty, is still willing to hope, that the American government has not been urged to this step by ambitious motives, or by a desire of foreign conquest, and territorial aggrandizement. It would be satisfactory, however, to be enabled to ascertain that no consideration, connected with the present state of Spain, has induced America to despoil that monarchy of a valuable foreign colony.

The government of the United States contends that the right to the possession of a certain part of West Florida, will not be less open to discussion in the occupation of America, than under the government of Spain.

But the government of the United States, under this pretext, cannot expect to avoid the reproach, which must attend the ungenerous and unprovoked seizure of a foreign colony, while the parent state is engaged in a noble contest for independence, against a most unjustifiable and violent invasion of the rights both of the monarch and people of Spain.

While I wait, therefore, for an explanation from you, sir, as to the motives which led to this unjust aggression by the United States, on the territories of his majesty's ally, I must consider it as my duty to lose no time in fulfilling the orders of his royal highness, the prince regent, by which I am commanded, in the event of its appearing on my arrival in this city, that the United States still persevere by menaces and active demonstration to claim the military occupation of West Florida, notwithstanding the remonstrances of his majesty's charge d'affaires, and the manifest injustice of the act, to present to you the solemn protest of his royal highness, in the name and on the behalf of his majesty, against an attempt so contrary to every principle of public justice, faith, and national honor, and so injurious to the alliance subsisting between his majesty and the Spanish nation. I have the honour to be, &c. &c. &c.

(Signed)

AUG. J. FOSTER.

The honorable James Monroe, &c.

Mr. Monroe to Mr. Foster.

SIR,

Department of State, July 8, 1811.

I have had the honour to receive the note which you have presented, by the order of his royal highness the prince regent, to protest, in behalf of the regency of Spain, against the possession lately taken, by the United States, of certain parts of West Florida.

Although the President cannot admit the right of Great Britain to interfere in any question relating to that province, he is willing to explain, in a friendly manner, the considerations which induced the United States to take the step, against which you have been ordered to protest.

It is to be inferred from your view of the subject, that the British government has been taught to believe, that the United States seized a moment of national embarrassment, to wrest from Spain

a province to which they had no right, and that they were prompted to it by their interest alone, and a knowledge that Spain could not defend it. Nothing, however, is more remote from the fact, than the presumption on which your government appears to have acted. Examples of so unworthy a conduct, are unfortunately too frequent in the history of nations; but the United States have not followed them. The President had persuaded himself that the unequivocal proofs which the United States have given, in all their transactions with foreign powers, and particularly with Spain, of an upright and liberal policy, would have shielded them from so unmerited a suspicion. He is satisfied that nothing is wanting but a correct knowledge of facts, completely to dissipate it.

I might bring to your view a long catalogue of injuries, which the United States have received from Spain, since the conclusion of their revolutionary war, any one of which would most probably have been considered cause of war, and resented as such, by other powers. I will mention two of these only; the spoiliations that were committed on their commerce to a great amount in the last war, and the suppression of their deposit at New Orleans just before the commencement of the present war, in violation of a solemn treaty; for neither of which injuries has any reparation or atonement been made. For injuries like those of the first class, it is known to you that Great Britain and France made indemnity. The United States, however do not rely on these injuries for a justification of their conduct in this transaction; although their claims to reparation for them are, by no means relinquished, and, it is to be presumed, will not always be neglected.

When I inform you that the province of West Florida, to the Perdido, was a part of Louisiana, while the whole province formerly belonged to France; that although it was afterwards separated from the other part, yet that both parts were again re-united, in the hands of Spain, and by her re-conveyed to France, in which state the entire province of Louisiana was ceded to the United States in 1803; that in accepting the cession, and paying for the territory ceded, the United States understood and believed, that they paid for the country as far as the Perdido, as part of Louisiana; and that, on a conviction of their right, they included in their laws provisions adapted to the cession in that extent; it cannot fail to be a cause of surprise to the prince regent, that they did not proceed to take possession of the territory in question as soon as the treaty was ratified. There was nothing in the circumstances of Spain, at that time, that could have forbidden the measure. In denying the right of the United States to this territory, her government invited negotiation on that and every other point, in contestation between the parties. The United States accepted the invitation, in the hope that it would secure an adjustment, and reparation for every injury which had been received, and lead to the restoration of perfect harmony between the two countries; but in that hope they were disappointed.

Since the year 1805, the period of the last negotiation with Spain,

the province of West Florida has remained in a situation altogether incompatible with the welfare of these states. The government of Spain has scarcely been felt there; in consequence of which the affairs of that province had fallen into disorder. Of that circumstance, however, the United States took no advantage. It was not until the last year, when the inhabitants, perceiving that all authority over them had ceased, rose in a body with intention to take the country into their own hands, that the American government interposed. It was impossible for the United States to behold with indifference, a movement in which they were so deeply interested. The president would have incurred the censure of the nation, if he had suffered that province to be wrested from the United States, under a pretext of wresting it from Spain. In taking possession of it, in their name, and under their authority, except in the part which was occupied by the Spanish troops, who have not been disturbed, he defended the rights and secured the peace of the nation, and even consulted the honour of Spain herself. By this event the United States have acquired no new title to West Florida. They wanted none. In adjusting hereafter all the other points which remained to be adjusted with Spain, and which it is proposed to make the subject of amicable negotiation as soon as the government of Spain shall be settled, her claim to this territory may also be brought into view, and receive all the attention which is due to it.

Aware that this transaction might be misconceived and misrepresented, the President deemed it a proper subject of instruction to the ministers of the United States at foreign courts, to place it in a true light before them. Such an instruction was forwarded to Mr. Pinkney, their late minister plenipotentiary at London, who would have executed it, had not the termination of his mission prevented it. The president cannot doubt that the frank and candid explanation which I have now given, by his order, of the considerations which induced the United States to take possession of this country, will be perfectly satisfactory to his royal highness the prince regent. With great respect and consideration, I have the honour to be, sir, your most obedient servant,

(Signed)

JAS. MONROE.

Augustus J. Foster, Esq. &c. &c.

Mr. Foster to Mr. Monroe.

SIR,

Philadelphia, Sept. 5, 1811.

The Chevalier d'Onis, who has been appointed minister from his Catholic majesty to the United States, has written to inform me, that he understands by letters from the governor of East Florida, under date of the 14th ultimo, that governor Matthews, of the state of Georgia, was at that time at Newton, St. Mary, on the frontiers of Florida, for the purpose of treating with the inhabitants of that province for its being delivered up to the United States' government; that he was with this view using every method of seduc-

tion to effect his purpose, offering to each white inhabitant who would side with him 50 acres of land and the guarantee of his religion and property; stipulating also that the American government would pay the debts of the Spanish government, whether due in pensions or otherwise; and that he would cause the officers and soldiers of the garrisons to be conveyed to such place as should be indicated, provided they did not rather choose to enter into the service of the United States.

M. D'Onis has done me the honour to communicate to me a note which he purposes transmitting to you, sir, in consequence of this detailed and most extraordinary intelligence; and considering the intimate alliance subsisting between Spain and Great Britain, as well as the circumstances under which he is placed in this country, he has urgently requested that I would accompany his representation with a letter on my part in support of it.

After the solemn asseverations which you gave me in the month of July, that no intentions hostile to the Spanish interests in Florida existed on the part of your government, I am wholly unable to suppose that General Matthews can have had orders from the President for the conduct which he is stated to be pursuing; but the measures he is said to be taking in corresponding with traitors, and in endeavouring by bribery and every art of seduction to infuse a spirit of rebellion into the subjects of the king of Spain in those quarters, are such as to create the liveliest inquietude, and to call for the most early interference on the part of the government of the United States.

The government of the United States are well aware of the deep interest which his royal highness, the prince regent, takes in the security of Florida, for any attempt to occupy the eastern part of which by the United States, not even the slightest pretexts could be alleged, such as were brought forward in the endeavour to justify the aggression on West Florida.

I conceive it therefore to be my duty, sir, in consideration of the alliance subsisting between Spain and Great Britain, and the interests of his majesty's subjects in the West India islands, so deeply involved in the security of East Florida, as well as in pursuance of the orders of my government in case of any attempt against that country, to lose no time in calling upon you for an explanation of the alarming steps which governor Matthews is stated to be taking for subverting the Spanish authority in that country, requesting to be informed by you upon what authority he can be acting, and what measures have been taken to put a stop to his proceedings. I have the honour to be, &c.

(Signed)

AUG. J. FOSTER.

The honorable James Monroe, &c. &c.

Mr. Monroe to Mr. Foster.

SIR,

November 2d, 1811.

I have had the honour to receive your letter of September 5th, and to submit it to the view of the President.

The principles which have governed the United States in their measures relative to West Florida, have already been explained to you. With equal frankness I shall now communicate the part they have acted with respect to East Florida.

In the letter which I had the honour to address to you on the 8th of July, I stated the injuries which the United States had received from Spain since their revolutionary war, and particularly by spoliations on their commerce, in the last war, to a great amount; and of the suppression of their right of deposit at New-Orleans just before the commencement of the present war, for neither of which had reparation been made. A claim to indemnity for those injuries, is altogether unconnected with the question relating to West Florida, which was acquired by cession from France, in 1803.

The government of Spain has never denied the right of the United States to a just indemnity for spoliations on their commerce. In 1802, it explicitly admitted this right by entering into a convention, the subject of which was to adjust the amount of the claim, with a view to indemnity. The subsequent injury, by the suppression of the deposit at New Orleans, produced an important change in the relations between the parties, which has never been accommodated. The United States saw in that measure eminent cause of war; and, that war did not immediately follow it, cannot be considered in any other light than as a proof of their moderation and pacific policy. The executive could not believe that the government of Spain would refuse to the United States the justice due for these accumulated injuries, when the subject should be brought solemnly before it by a special mission. It is known that an envoy extraordinary was sent to Madrid in 1805, on this subject, and that the mission did not accomplish the object intended by it.

It is proper to observe that in the negotiation with Spain, in 1805, the injuries complained of by the United States, of the first class, were again substantially admitted, to a certain extent, as was that also occasioned by the suppression of the deposit at New-Orleans, although the Spanish government, by disclaiming the act, and imputing it to the intendant, sought to avoid the responsibility due from it; that to make indemnity to the United States for injuries of every kind, a cession of the whole territory claimed by Spain eastward of the Mississippi, was made the subject of negotiation, and that the amount of the sum demanded for it, was the sole cause that a treaty was not then formed, and the territory added.

The United States have considered the government of Spain indebted to them a greater sum for the injuries above stated, than the province of East Florida can, by any fair standard between the

parties, be estimated at. They have looked to this province for their indemnity, and with the greater reason, because the government of Spain itself has countenanced it. That they have suffered their just claims to remain so long unsatisfied, is a new and strong proof of their moderation, as it is of their respect for the disordered condition of that power. There is, however, a period beyond which those claims ought not to be neglected. It would be highly improper for the United States, in their respect for Spain, to forget what they owe to their own character and to the rights of their injured citizens.

Under these circumstances it would be equally unjust and dishonourable in the United States to suffer East Florida to pass into the possession of any other power. Unjust, because they would thereby lose the only indemnity within their reach, for injuries which ought long since to have been redressed. Dishonourable, because in permitting another power to wrest from them that indemnity, their inactivity and acquiescence could only be imputed to unworthy motives. Situated as East Florida is, cut off from the other possessions of Spain, and surrounded in a great measure by the territory of the United States; and having also an important bearing on their commerce, no other power could think of taking possession of it, with other than hostile views to them. Nor could any other power take possession of it without endangering their prosperity and best interests.

The United States have not been ignorant or inattentive to what has been agitated in Europe at different periods since the commencement of the present war, in regard to the Spanish provinces in this hemisphere; nor have they been unmindful of the consequences into which the disorder of Spain might lead in regard to the province in question, without due care to prevent it. They have been persuaded, that remissness on their part might invite the danger, if it had not already done it, which it is so much their interest and desire to prevent. Deeply impressed with these considerations, and anxious, while they acquitted themselves to the just claims of their constituents, to preserve friendship with other powers, the subject was brought before the congress at its last session, when an act was passed, authorizing the executive to accept possession of East Florida from the local authorities, or to take it against the attempt of a foreign power to occupy it, holding it in either case subject to future and friendly negotiation. This act therefore evinces the just and amicable views by which the United States have been governed towards Spain, in the measure authorized by it. Our ministers at London and Paris were immediately apprized of the act, and instructed to communicate the purport of it to both governments, and to explain at the same time, in the most friendly manner, the motives which led to it. The President could not doubt that such an explanation would give all the satisfaction that was intended by it. By a late letter from the American

charge des affaires at London, I observe that this explanation was made to your government in the month of — last. That it was not sooner made was owing to the departure of the minister plenipotentiary of the United States before the instruction was received.

I am persuaded, sir, that you will see, in this view of the subject, very strong proof of the just and amicable disposition of the United States towards Spain, of which I treated in the conference to which you have alluded. The same disposition still exists; but it must be understood that it cannot be indulged longer than may comport with the safety, as well as with the rights and honour of the nation. I have the honour to be, &c.

(Signed)

JAS. MONROE.

Aug. J. Foster, Esq. &c.

CORRESPONDENCE

Between Mr. Pinkney and Lord Wellesley.

Mr. Pinkney to Mr. Smith.

SIR,

London, January 17, 1811.

I had the honour to receive on the 5th instant, while I was confined by a severe illness, your letter of the 15th of November, and as soon as I was able, prepared a note to lord Wellesley in conformity with it.

On the 3d instant I had received a letter from lord Wellesley, bearing date the 29th ultimo, on the subjects of the orders in council and the British blockades, to which I was anxious to reply at the same time that I obeyed the orders of the president signified in your letter above mentioned. I prepared an answer accordingly, and sent it in with the other note and a note of the 15th, respecting two American schooners lately captured on their way to Bourdeaux, for a breach of the orders in council. Copies of all these papers are enclosed.

My answer to lord Wellesley's letter was written under the pressure of indisposition, and the influence of more indignation than could well be suppressed. His letter proves, what scarcely required proof, that if the present government continues, we cannot be friends with England. I need not analyse it to you.

I am still so weak as to find it convenient to make this letter a short one, and will therefore only add that I have derived great satisfaction from your instructions of the 15th of November, and have determined to return to the United States in the Essex. She will go to L'Orient for Mr. Grayson, and then come to Cowes for me and my family. I calculate on sailing about the last of February.

The despatches by the Essex were delivered to me by lieutenant Rodgers on Sunday. I have the honour, &c. &c.

(Signed)

WM. PINKNEY.

The honorable R. Smith, &c.

*Lord Wellesley to Mr. Pinkney.**

SIR,

Foreign Office, December 29, 1810.

In acknowledging the receipt of your letter of the 10th instant, I must express my regret that you should have thought it necessary to introduce into that letter any topics, which might tend to interrupt the conciliatory spirit, in which it is the sincere disposition of his majesty's government to conduct every negotiation with the government of the United States.

From an anxious desire to avoid all discussions of that tendency, I shall proceed without any further observation to communicate to you the view which his majesty's government has taken of the principal question which formed the object of my inquiry, during our conference of the 5th instant. The letter of the French minister for foreign affairs to the American minister at Paris, of the 9th August, 1810, did not appear to his majesty's government, to contain such a notification of the repeal of the French decrees of Berlin and Milan, as could justify his majesty's government in repealing the British orders in council. That letter states "that the decrees of Berlin and Milan are revoked, and that from the 1st of November, 1810, they will cease to be in force, it being understood that in consequence of this declaration, the English shall revoke their orders in council and renounce the new principles of blockade which they have attempted to establish." The purport of this declaration appeared to be that the repeal of the decrees of Berlin and Milan would take effect from the 1st of November, provided that Great Britain antecedently to that day, and in consequence of this declaration, should revoke the orders in council, and should renounce those principles of blockade, which the French government alleged to be new. A separate condition relating to America, seemed also to be contained in this declaration, by which America might understand, that the decrees of Berlin and Milan would be actually repealed on the 1st of November, 1810, provided that America should resent any refusal of the British government to renounce the new principles of blockade, and to revoke the orders in council.

By your explanation it appears, that the American government understands the letter of the French minister as announcing an absolute repeal, on the 1st of November, 1810, of the French decrees of Berlin and Milan; which repeal, however, is not to continue in force unless the British government, within a reasonable time after the 1st of November, 1810, shall fulfil the two conditions stated distinctly in the letter of the French minister. Under this explanation, if nothing more had been required from Great Britain, for

* This letter was not received till January 3d, 1811, at night.

the purpose of securing the continuance of the repeal of the French decrees, than the repeal of our orders in council, I should not have hesitated to declare the perfect readiness of this government to fulfil that condition. On these terms, the British government has always been sincerely disposed to repeal the orders in council. It appears, however, not only by the letter of the French minister, but by your explanation, that the repeal of the orders in council will not satisfy either the French or the American government. The British government is further required, by the letter of the French minister, to renounce those principles of blockade which the French government alleges to be new. A reference to the terms of the Berlin decree will serve to explain the extent of this requisition. The Berlin decree states, that Great Britain "extends the right of blockade to commercial unfortified towns, and to ports, harbors, and mouths of rivers, which, according to the principles and practice of all civilized nations, is only applicable to fortified places." On the part of the American government, I understand you to require that Great Britain should revoke her order of blockade of May, 1806. Combining your requisition with that of the French minister, I must conclude, that America demands the revocation of that order of blockade as a practical instance of our renunciation of those principles of blockade which are condemned by the French government. Those principles of blockade Great Britain has asserted to be ancient and established by the laws of maritime war, acknowledged by all civilized nations, and on which depend the most valuable rights and interests of this nation. If the Berlin and Milan decrees are to be considered as still in force, unless Great Britain shall renounce these established foundations of her maritime rights and interests, the period of time is not yet arrived, when the repeal of her orders in council can be claimed from her, either with reference to the promise of this government, or to the safety and honour of the nation. I trust that the justice of the American government will not consider, that France, by the repeal of her obnoxious decrees under such a condition, has placed the question in that state which can warrant America in enforcing the non-intercourse act against Great Britain and not against France. In reviewing the actual state of this question, America cannot fail to observe the situation in which the commerce of neutral nations has been placed by many recent acts of the French government; nor can America reasonably expect that the system of violence and injustice, now pursued by France with unremitted activity (while it serves to illustrate the true spirit of her intentions) should not require some precautions of defence on the part of G. Britain.

Having thus stated my view of the several considerations, arising from the letter of the French minister, and from that with which you have honoured me; it remains only to express my solicitude that you should correct any interpretation of either which you may deem erroneous. If either by the terms of the original decree to which the French minister's letter refers, or by any other authentic document, you can prove that the decrees of Berlin and

Milan are absolutely repealed, and that no further condition is required of Great Britain than the repeal of her orders in council, I shall receive any such information with most sincere satisfaction; desiring you to understand, that the British government retains an anxious solicitude to revoke the *orders in council*, as soon as the Berlin and Milan decrees shall be effectually repealed without conditions injurious to the maritime rights and honour of the united kingdom. I have the honour to be, with great respect and consideration, sir, your most obedient, and humble servant.

(Signed)

WELLESLEY.

William Pinkney, Esquire, &c.

Mr. Pinkney to Lord Wellesley.

MY LORD,

Great Cumberland Place, January 14, 1811.

I have received the letter which you did me the honour to address to me on the 29th of last month, and will not fail to transmit a copy of it to my government. In the mean time I take the liberty to trouble you with the following reply, which a severe indisposition has prevented me from preparing sooner.

The first paragraph seems to make it proper for me to begin by saying, that the topics introduced into my letter of the 10th of December, were intimately connected with its principal subject, and fairly used to illustrate and explain it; and consequently that if they had not the good fortune to be acceptable to your lordship, the fault was not mine.

It was scarcely possible to speak with more moderation than my paper exhibits, of that portion of a long list of invasions of the rights of the United States, which it necessarily reviewed, and of the apparent reluctance of the British government to forbear those invasions in future. I do not know that I could more carefully have abstained from whatever might tend to disturb the spirit which your lordship ascribes to his majesty's government, if, instead of being utterly barren and unproductive, it had occasionally been visible in some practical result, in some concession either to friendship or to justice. It would not have been very surprising, nor very culpable perhaps, if I had wholly forgotten to address myself to a spirit of conciliation, which had met the most equitable claims with steady and unceasing repulsion; which had yielded nothing that could be denied; and had answered complaints of injury by multiplying their causes. With this forgetfulness, however, I am not chargeable; for, against all the discouragements suggested by the past, I have acted still upon a presumption that the disposition to conciliate, so often professed, would finally be proved by some better evidence than a perseverance in oppressive novelties, as obviously incompatible with such a disposition in those who enforce them, as in those whose patience they continue to exercise.

Upon the commencement of the second paragraph, I must observe, that the forbearance which it announces might have afforded some gratification, if it had been followed by such admissions as my government is entitled to expect, instead of further manifesta-

tion of that disregard of its demands, by which it has so long been wearied. It has never been my practice to seek discussions, of which the tendency is merely to irritate; but I beg your lordship to be assured, that I feel no desire to avoid them, whatever may be their tendency, when the rights of my country require to be vindicated against pretensions that deny, and conduct that infringes them.

If I comprehend the other parts of your lordship's letter, they declare in effect, that the British government will repeal nothing but the *orders in council*, and that it cannot at present repeal even them, because in the first place, the French government has required, in the letter of the duke of Cadore to general Armstrong, of the 5th of August, not only that Great Britain shall revoke those orders, but that she shall renounce certain principles of blockade (supposed to be explained in the preamble to the Berlin decree) which France alleges to be new; and, in the second place because the American government has (as you conclude) demanded the revocation of the British order of blockade of May, 1806, *as a practical instance of that same renunciation*, or, in other words, has made itself a party, not openly indeed, but indirectly and covertly, to the entire requisition of France, as you understand that requisition.

It is certainly true that the American government has required, as indispensable in the view of its acts of intercourse and non-intercourse, the annulment of the British blockade of May, 1806; and further, that it has through me declared its confident expectation that other blockades of a similar character (including that of the island of Zealand) will be discontinued. But by what process of reasoning your lordship has arrived at the conclusion, that the government of the United States intended by this requisition to become the champion of the edict of Berlin, to fashion its principles by those of France while it affected to adhere to its own, and to act upon some partnership in doctrines, which it would fain induce you to acknowledge, but could not prevail upon itself to avow, I am not able to conjecture. The frank and honourable character of the American government justifies me in saying that, if it had meant to demand of Great Britain an abjuration of all such principles as the French government may think fit to disapprove, it would not have put your lordship to the trouble of discovering that meaning by the aid of combinations and inferences discountenanced by the language of its minister, but would have told you so in explicit terms. What I have to request of your lordship, therefore, is that you will take our views and principles from our own mouths, and that neither the Berlin decree, nor any other act of any foreign state, may be made to speak for us what we have not spoken for ourselves.

The principles of blockade which the American government professes, and upon the foundation of which it has repeatedly protested against the order of May, 1806, and the other kindred innovations of those extraordinary times, have already been so clearly

explained to your lordship, in my letter of the 21st of September, that it is hardly possible to read that letter and misunderstand them. Recommended by the plainest considerations of universal equity, you will find them supported with a strength of argument and a weight of authority, of which they scarcely stand in need, in the papers which will accompany this letter, or were transmitted in that of September. I will not recapitulate what I cannot improve; but I must avail myself of this opportunity to call your lordship's attention a second time, in a particular manner, to one of the papers to which my letter of September refers. I allude to the copy of an official note of the 12th of April, 1804, from Mr. Merry to Mr. Madison, respecting a pretended blockade of Martinique and Gaudaloupe. No comment can add to the value of that manly and perspicuous exposition of the law of blockade, as made by England herself in maintenance of rules which have been respected and upheld in all seasons and on all occasions by the government of the United States. I will leave it, therefore, to your lordship's consideration, with only this remark, that, while that paper exists, it will be superfluous to seek in any *French* document for the opinions of the American government on the matter of it.

The steady fidelity of the government of the United States to its opinions on that interesting subject is known to every body. The same principles which are found in the letter of Mr. Madison to Mr. Thornton, of the 27th of October, 1803, already before you, were asserted in 1799, by the American minister at this court, in his correspondence with lord Grenville, respecting the blockade of some of the ports of Holland; were sanctioned in a letter of the 20th of September, 1800, from the secretary of state of the United States to Mr. King, of which an extract is enclosed; were insisted upon in repeated instructions to Mr. Monroe and the special mission of 1806; have been maintained by the United States against *others* as well as against England, as will appear by the inclosed copy of instructions, dated the 21st of October, 1801, from Mr. secretary Madison to Mr. Charles Pinkney, then American minister at Madrid; and finally, were adhered to by the United States, when belligerent, in the case of the blockade of Tripoli.

A few words will give a summary of those principles; and when recalled to your remembrance, I am not without hopes, that the strong grounds of law and right, on which they stand, will be as apparent to your lordship as they are to me.

It is by no means clear that it may not fairly be contended, on principle and early usage, that a maritime blockade is incomplete with regard to states at peace, unless the place which it would affect is invested by land as well as by sea. The United States, however, have called for the recognition of no such rule. They appear to have contented themselves with urging in substance, that ports not actually blockaded by a present, adequate, stationary force, employed by the power which attacks them, shall not be considered as shut to neutral trade in articles not contraband of war; that,

though it is usual for a belligerent to give notice to neutral nations when he intends to institute a blockade, it is possible that he may not act upon his intention at all, or that he may execute it insufficiently, or that he may discontinue his blockade, of which it is not customary to give any notice; that consequently the presence of the blockading force, is the natural criterion by which the neutral is enabled to ascertain the existence of the blockade at any given period, in like manner as the actual investment of a besieged place, is the evidence by which we decide whether the siege, which may be commenced, raised, recommenced and raised again, is continued or not; that of course a mere notification to a neutral minister shall not be relied upon, as affecting, with knowledge of the actual existence of a blockade, either his government or its citizens; that a vessel cleared or bound to a blockaded port, shall not be considered as violating in any manner the blockade, unless, on her approach towards such port, she shall have been previously warned not to enter it; that this view of the law, in itself perfectly correct, is peculiarly important to nations, situated at a great distance from the belligerent parties, and therefore incapable of obtaining other than tardy information of the actual state of their ports; that whole coasts and countries shall not be declared, (for they can never be more than *declared*) to be in a state of blockade, and thus the right of blockade converted into the means of extinguishing the trade of neutral nations; and lastly, that every blockade shall be impartial in its operation, or, in other words, shall not open and shut for the convenience of the party that institutes it, and at the same time repel the commerce of the rest of the world, so as to become the odious instrument of an unjust monopoly, instead of a measure of honorable war.

These principles are too moderate and just to furnish any motive to the British government for hesitating to revoke its orders in council, and those analogous orders of blockade, which the United States expect to be recalled. It can hardly be doubted that Great Britain will ultimately accede to them in their fullest extent; but if that be a sanguine calculation (as I trust it is not) it is still incontrovertible that a disinclination at this moment to acknowledge them, can suggest no rational inducement for declining to repeal at once what *every* principle disowns, and what must be repealed at last.

With regard to the rules of blockades which the French government expects you to abandon, I do not take upon me to decide whether they are such as your lordship supposes them to be or not. Your view of them may be correct; but it may also be erroneous; and it is wholly immaterial to the case between the United States and Great Britain whether it be the one or the other.

As to such *British* blockades as the United States desire you to relinquish, you will not, I am sure, allege that it is any reason for adhering to *them* that *France* expects you to relinquish *others*. If our demands are suited to the measure of our own rights, and of your obligations as they respect those rights, you cannot think of

founding a rejection of them upon any imputed exorbitance in the theories of the French government, for which we are not responsible, and with which we have no concern. If, when you have done justice to the United States, your enemy should call upon you to go further, what shall prevent you from refusing? Your free agency will in no respect have been impaired. Your case will be better, in truth and in the opinion of mankind; and you will be, *therefore*, stronger in maintaining it, provided that, in doing so, you resort only to legitimate means, and do not *once more* forget the rights of others while you seek to vindicate your own.

Whether France will be satisfied with what you may do, is not to be known by anticipation, and ought not to be a subject of inquiry. So vague a speculation has nothing to do with your duties to nations at peace, and, if it had, would annihilate them. It cannot serve your interests; for it tends to lessen the number of your friends, without adding to your security against your enemies.

You are required, therefore, to do right, and to leave the consequences to the future, when by doing right you have every thing to gain and nothing to lose.

As to the *orders in council*, which professed to be a reluctant departure from all ordinary rules, and to be justified only as a system of retaliation for a pre-existing measure of France, their foundation (such as it was) is gone the moment that measure is no longer in operation. But the Berlin decree is repealed; and even the *Milan* decree, the successor of your orders in council, is repealed also. Why is it, then, that your orders have outlived those edicts, and that they are still to oppress and harass as before? Your lordship answers this question explicitly enough, but not satisfactorily. You do not allege that the French decrees are not repealed; but you imagine that the repeal is not to remain in force, unless the British government shall, in addition to the revocation of its orders in council, abandon its system of blockade. I am not conscious of having stated, as your lordship seems to think, that this is so, and I believe in fact that it is otherwise. Even if it were admitted, however, the orders in council ought nevertheless to be revoked. Can "the safety and honour of the British nation" demand that these orders shall continue to outrage the public law of the world, and sport with the undisputed rights of neutral commerce, after the pretext which was at first invented for them is gone? But you are menaced with a *revival* of the French system, and consequently may again be furnished with the same *pretext*! Be it so; yet still, as the system and the pretext are *at present* at an end, so, of course, should be your orders.

According to your mode of reasoning, the situation of neutral trade is hopeless indeed. Whether the Berlin decree exists or not, it is equally to justify your orders in council. You issued them before it was any thing but a shadow, and by doing so gave to it all the substance it could ever claim. It is at this moment nothing.

It is revoked and has passed away, according to your own admission. You choose, however, to look for its re-appearance; and you make your own expectation equivalent to the decree itself. Compelled to concede that there is no anti-neutral French edict in operation upon the ocean, you think it sufficient to say that there *will be* such an edict, you know not when; and in the meantime you do all you can to verify your own prediction, by giving to your enemy all the provocation in your power to resume the decrees which he has abandoned.

For my part, my lord, I know not what it is that the British government requires, with a view to what it calls its *safety* and its *honour*, as an inducement to rescind its orders in council. It does not, I presume, imagine that such a system will be suffered to ripen into law. It must intend to relinquish it, sooner or later, as one of those violent experiments for which time can do nothing, and to which submission will be hoped in vain. Yet, even after the professed foundation of this mischievous system is taken away, another and another is industriously procured for it; so that no man can tell at what time, or under what circumstances it is likely to have an end. When realities cannot be found, possibilities supply their place, and that, which was originally said to be retaliation for actual injury, becomes at last (if such a solecism can be endured or imagined) retaliation for *apprehended* injuries, which the future may or may not produce, but which it is certain have no existence *now*!

I do not mean to grant, for I do not think, that the edict of Berlin did at any time lend even a colour of equity to the British orders in council, with reference to the United States: but it might reasonably have been expected that they, who have so much relied upon it as a justification, would have suffered it and them to sink together. How this is forbidden by your *safety* or your *honour* remains to be explained; and I am not willing to believe that either the one or the other is inconsistent with the observance of substantial justice, and with the prosperity and rights of peaceful states.

Although your lordship has slightly remarked upon certain recent acts of the French government, and has spoken in general terms of "the system of violence and injustice now pursued by France," as requiring "some precautions of defence on the part of Great Britain," I do not perceive that you deduce any consequence from these observations, in favour of a perseverance in the orders in council. I am not myself aware of any edicts of France which, now that the Berlin and Milan decrees are repealed, affect the rights of neutral commerce on the seas. And you will yourselves admit that if any of the acts of the French government, resting on territorial sovereignty, have injured, or shall hereafter injure, the U. States, it is for them, and for them only, to seek redress. In like manner it is for G. Britain to determine what precautions of defence those measures of France, which you denominate unjust and violent, may render it expedient for her to adopt. The United States

have only to insist that a sacrifice of their rights shall not be among the number of those precautions.

In replying to that passage in your letter, which adverts to the American act of non-intercourse, it is only necessary to mention the proclamation of the president of the United States, of the 2d of November last, and the act of congress which my letter of the 21st of September communicated, and to add that it is in the power of the British government to prevent the non-intercourse from being enforced against Great Britain.

Upon the concluding paragraph of your letter I will barely observe, that I am not in possession of any document, which you are likely to consider as *authentic*, showing that the French decrees are "absolutely revoked upon the single condition of the revocation of the British orders in council;" but that the information, which I have lately received from the American legation at Paris, confirms what I have already stated, and I think proved to your lordship, that those decrees are repealed and have ceased to have any effect. I will now trespass on you no further than to suggest that it would have given me sincere pleasure to be enabled to say as much of the British orders in council and of the blockades, from which it is impossible to distinguish them. I have the honour to be, with great respect and consideration, my lord, your lordship's most obedient humble servant,

(Signed)

WM. PINKNEY.

The most noble the Marquis Wellesley.

Extract of a letter from Mr. Pinkney, to the Secretary of State of the United States.

London, February 12, 1811.

"I received a few hours since, a letter from Lord Wellesley (of which a copy is inclosed) in answer to mine of the 14th ultimo, respecting the British orders in council and blockades."

Lord Wellesley to Mr. Pinkney.

SIR,

Foreign Office, February 11, 1811.

The letter which I had the honour to receive from you, under date the 14th of January, 1811, has been submitted to his royal highness the prince regent.

In communicating to you the orders which I have received from his royal highness on the subject of your letter, I am commanded to abstain from any course of argument, and from any expression, which (however justified by the general tenor of your observations) might tend to interrupt the good understanding, which it is the wish of his royal highness, on behalf of his majesty, to maintain with the government of the United States.

No statement contained in your letter appears to affect the general principles, which I had the honour to communicate to you in my letter of the 29th of December, 1810.

Great Britain has always insisted upon her right of self-defence

against the system of commercial warfare pursued by France, and the British orders of council were founded upon a just principle of retaliation against the French decrees. The incidental operation of the orders of council upon the commerce of the United States, (although deeply to be lamented) must be ascribed exclusively to the violence and injustice of the enemy, which compelled this country to resort to adequate means of defence. It cannot now be admitted that the foundation of the original question should be changed, and that the measure of retaliation adopted against France should now be relinquished, at the desire of the United States, without any reference to the actual conduct of the enemy.

The intention has been repeatedly declared of repealing the orders of council, whenever France shall actually have revoked the decrees of Berlin and Milan, and shall have restored the trade of neutral nations to the condition in which it stood previously to the promulgation of those decrees. Even admitting that France has suspended the operation of those decrees, or has repealed them, with reference to the United States, it is evident that she has not relinquished the conditions expressly declared in the letter of the French minister, under date the 5th of August, 1810. France, therefore, requires that Great Britain shall not only repeal the orders of council, but renounce those principles of blockade which are alleged in the same letter to be new; an allegation which must be understood to refer to the introductory part of the Berlin decree. If Great Britain shall not submit to these terms, it is plainly intimated in the same letter that France requires America to enforce them.

To these conditions, his royal highness, on behalf of his majesty, cannot accede. No principles of blockade have been promulgated or acted upon by Great Britain previously to the Berlin decree, which are not strictly conformable to the rights of civilized war, and to the approved usages and law of nations. The blockades established by the orders of council rest on separate grounds, and are justified by the principles of necessary retaliation in which they originated.

The conditions exacted by France, would require Great Britain to surrender to the enemy the most important maritime rights and interests of the united kingdoms.

I am commanded to inform you that his royal highness cannot consent to blend the question which has arisen upon the orders of council, with any discussion of the general principles of blockade.

This declaration does not preclude any amicable discussion upon the subject of any particular blockade, of which the circumstances may appear to the government of the United States to be exceptionable, or to require explanation. I have the honour to be, with great respect and consideration, sir, your most faithful and humble servant,

(Signed)

William Pinkney, Esq. &c. &c. &c.

WELLESLEY.

MESSAGE

To the Senate and House of Representatives of the United States.

I now lay before congress, two letters to the department of state; one from the present plenipotentiary of France, the other from his predecessor; which were not included among the documents accompanying my message of the fifth instant, the translation of them being not then completed.

JAMES MADISON.

November 7, 1811.

Translation of a letter from general Turreau to the Secretary of State, dated

SIR,

November 14, 1810.

Although you may have been already informed, through another official channel, of the repeal of the decrees of Berlin and Milan, it is agreeable to me to have to confirm to you this new liberal disposition of my court towards the government of the states of the union.

You will recollect, without doubt, sir, that these decrees were adopted in retaliation for the multiplied measures of England against the rights of neutrals, and especially against those of the United States: and after this new proof of deference to the wishes of your government, his majesty the emperor has room to believe, that it will make new efforts to withdraw the American commerce from the yoke which the prohibitory acts of G. Britain have imposed upon it. You will at the same time observe, sir, that the clearly expressed intention of my government is, that the renewal of commercial intercourse between France and the United States cannot alter the system of exclusion adopted by all Europe against all the products of the soil or of the manufactures of England or her colonies: a system, the wisdom and advantages of which, are already proved by its development and its success; and of which, also, the U. States, as an agricultural and commercial power, have a particular interest in aiding in, and hastening the completion. Moreover, sir, this measure of my government, and those which yours may think proper to adopt, will prove the inutility of the efforts of the common enemy to break the ties of friendship which a humane and generous policy has necessarily formed between France and the United States, and which the actual crisis ought to draw closer. We ought hereafter, sir, to hope, or rather we may be assured, that new relations still more close and more friendly are about to be formed between Americans and Frenchmen, and that these two people will be more than ever convinced, that their glory, their interest and their happiness must eternally consecrate the principle and the conservation of these relations.

I seize with eagerness this occasion, sir, of renewing to you the assurance of my high consideration.

(Signed)

TURREAU.

Mr. Serurier to the Secretary of State.

SIR,

Washington, July 23, 1811.

The new dispositions of your government, expressed in the supplementary act of the 2d of March last, having been officially communicated to my court by the charge d'affaires of the United States; his imperial majesty, as soon as he was made acquainted with them, directed that the American vessels sequestered in the ports of France since the 2d of November should be released. Their cargoes have been admitted, and some of them have departed, upon conforming with the municipal laws of the country; that is to say, by exporting wines, silks, and the products of French manufactures. Orders were to be given at the same time, that all American vessels coming from the United States and loaded with merchandise the growth of the country, should be admitted and received in all the ports of France.

I hasten, sir, according to the orders I have received, to make these dispositions known to your government.

In order to prevent all difficulty in relation to the cargoes of vessels, the table indicating the merchandise of the growth of the United States has been prepared; and it has been thought that a rule could not be adopted more favourable and more sure, than the statement itself of the exportations made by the Americans during the year which preceded the embargo, viz. from the 1st October, 1806, to the 30th September, 1807, a period during which your commerce of exportation was in full activity. I annex this table to my letter. Coffee, sugar, and cocoa, are not included in this statement. These articles of merchandise have always been ranged in the class of colonial products; and, whatever may be their origin, his majesty, while favouring in his states many branches of culture and many new establishments, with a view of supplying their place by indigenous productions, could not encourage indefinitely their exportation. Vessels arriving with permits, by means of which the importation of merchandise of this sort is authorized, will be admitted.

The introduction of tobacco is not prohibited. It forms the first object of culture of some of the states of the union; and his majesty, having an equal interest in the prosperity of all, desires that the relations of commerce should be common to all parts of the federal territory. But tobacco is under an administration (*en régie*) in France; the administration is the only consumer, and can purchase only the quantity necessary for its consumption. It became necessary that measures should be taken upon this subject, and they have been conformable to the common interest. Tobacco will be received in the ports of France, and placed in actual deposit (*en entrepôt réel*); and if more arrives than the administration can purchase, the transit of the surplus will be permitted across France, for Germany, and the other states of Europe in which the American merchants may find a sale for it.

All the vessels of the United States which may arrive in France will have to discharge the customhouse duties, to which the merchandise they may bring is subject; and their return must be effected by exporting an equal value in French wines, silks, and other articles of French manufacture, in the proportions determined by the regulations.

Merchandise of the growth of the United States, composing the cargoes of American vessels, must be accompanied with a certificate of origin, delivered by the French consul of the port from whence the vessel departed.

I flatter myself, sir, that the communication of these dispositions of the emperor in favor of American commerce, will be as agreeable to your government as it is to me to be the means of making it.

I have the honour, sir, to renew to you the assurance of my high consideration.

The Minister of France.

SERURIER.

Mr. Monroe, Secretary of State.

Productions of the soil and of the manufactures of the United States, exported from the 1st of October, 1806, to the 30th of September, 1807.

Salt or smoked fish,
Dried or pickled do.
Whale and other fish oil,
Whalebone,
Spermaceti candles,
Staves and heading,
Shingles,
Hoops,
Plank,
Timber,
Lumber of all kinds,
Masts and spars,
Manufactures of wood,
Oak bark and other dyes,
Tar,
Pitch,
Rosin,
Turpentine,
Skins and furs,
Ginseng,
Barley,
Buck-wheat,
Beans,
Peas,
Apples,
Potatoes,

Rice,
Indigo,
Tobacco,
Flax-seed,
Hops,
Wax,
Household furniture,
Coaches and other carriages,
Hats,
Saddlery,
Boots,
Shoes—silk and leather,
Beer, porter and cider, in casks
and bottles,
Beef,
Tallow,
Hides,
Horned cattle,
Pork,
Hams and bacon,
Lard,
Hogs,
Butter,
Cheese,
Pot and pearl ashes,
Horses,

Mules,
 Sheep,
 Poultry,
 Mustard,
 Cotton,
 Wheat,
 Flour,
 Rye meal,
 Buck-wheat meal,
 Biscuit, or ship bread,
 Indian corn,
 Indian meal,
 Rye,
 Oats,
 Spirits from grain,
 Starch,
 Candles,
 Soap,
 Wax candles,
 Hair-powder,

Snuff,
 Tobacco manufactured,
 Bricks,
 Essence of Bark,
 Linseed oil,
 Spirits of turpentine,
 Cards—wool and cotton,
 Maple and other brown sugar,
 Bar iron,
 Nails,
 Castings,
 Canvas and sail-cloth,
 Cables and cordage,
 Spirits from molasses,
 Refined sugar,
 Chocolate,
 Gun-powder,
 Copper manufactured,
 Medicinal drugs.

[TRUE COPY.]

The Minister of Foreign Relations,
 (Signed)

THE DUKE OF BASSANO.

CORRESPONDENCE

Of Jonathan Russell, Esquire.

Mr. Russell to Mr. Smith, Secretary of State.

SIR,

Paris, January 16, 1811.

Your letter of the 8th of November, relative to the powers given by this government to its consuls in the United States, under its decree concerning licenses, was received by me on the 11th instant, and the next day I communicated its contents to the duke of Cadore in a note, a copy of which you will find inclosed. I remain, &c.

(Signed)

JONATHAN RUSSELL.

The honorable Robert Smith, &c.

Mr. Russell to the Duke of Cadore.

SIR,

Paris, January 12, 1811.

The public journals and letters from general Armstrong have announced to the American government an imperial decree, by which permission is to be granted to a stated number of American vessels, to import into France from certain ports of the United States, the articles therein specified, and to export in return such productions of the French empire as are also enumerated in said decree. This trade, it would appear, is to be carried on under the

authority of imperial licenses, and can only be perfected by the act of the French consul residing within the jurisdiction of the United States at the specified ports.

The United States have no pretension of right to object to the operation of commercial regulations, strictly municipal, authorized by the French government to take effect within the limits of its own dominions; but I am instructed to state to you the inadmissibility, on the part of the United States, of such a consular superintendence as that which is contemplated by this decree respecting a trade to be carried on under licenses.

France cannot claim for her consuls, either by treaty or custom, such a superintendence. They can be permitted to enjoy such legitimate functions only as are sanctioned by public law, or by the usage of nations growing out of the courtesy of independent states.

Besides, the decree in question professes to invest certain consuls with a power, which cannot be regularly exercised in the United States without the tacit permission of the American government; a permission that cannot be presumed, not only because it is contrary to usage, but because consuls thus acting would be exercising functions in the United States in virtue of French authority only, which the American government itself is not competent to authorize in any agents whatever.

If the construction given by the government of the United States to this decree be correct, the government of France should not for a moment mislead itself by a belief, that its commercial agents will be permitted to exercise the extraordinary power thus intended to be given to them. I pray your excellency, &c. &c.

(Signed)

JONATHAN RUSSELL.

His excellency the duke of Cadore.

Mr. Russell to Mr. Smith, Secretary of State.

SIR,

Paris, 21st January, 1811.

On the 18th instant I received a note dated that day from the duke of Cadore, in answer to the representation which I had made to him on the 12th of this month, relative to the exceptionable powers intended to be exercised by French consuls in the United States, in perfecting the contemplated trade under licenses.

You will perceive with satisfaction, that not only these powers, but the system itself, under which they were to have been exercised, have been abandoned. I have the honour, &c. &c.

(Signed)

JONATHAN RUSSELL.

Hon. Robert Smith, &c. &c.

[TRANSLATION.]

The Duke de Cadore to Mr. Russell.

SIR,

Paris, 18th January, 1811.

I have read with much attention your note of the 12th January, relative to the licenses intended to favour the commerce of the

Americans in France. This system had been conceived before the revocation of the decrees of Berlin and Milan had been resolved upon. Now circumstances are changed by the resolution taken by the United States, to cause their flag and their independence to be respected, that which has been done before this last epoch, can no longer serve as a rule under actual circumstances. Accept the assurances of my high consideration,

CHAMPAGNY,

Duke de Cadore.

Mr. Russell to Mr. Smith.

SIR,

Paris, 27th May, 1811.

By the first opportunity which presented itself after the admission of our vessels on the 4th of May, I communicated this event to the American charge d'affaires at London, in hopes that it might be useful there. The inclosed is a copy of the note which I addressed to him on the occasion. I am, &c. &c.

(Signed)

JONATHAN RUSSELL.

The honorable Robert Smith, Sec'y of State.

Mr. Russell to Mr. J. S. Smith.

SIR,

Paris, 10th May, 1811.

I hand you herewith the copy of a letter to me from his excellency the duke of Bassano, dated the 4th inst.* and inclosing a list of the American vessels whose cargoes have been admitted by order of the emperor.

As this list contains all the American vessels, except one only whose papers were mislaid, which have arrived spontaneously in the ports of France, since the first of November last, which had not already been admitted; the measure adopted by this government may perhaps be considered to be of a general character and a consequence of the actual relations between the two countries, growing out of the revocation of the Berlin and Milan decrees, so far as they violated the neutral rights of the United States. I am, sir, with great consideration, &c.

(Signed)

JONATHAN RUSSELL.

John S. Smith, Esq. &c. &c.

Mr. Russell to the Secretary of State.

SIR,

Paris, 9th June, 1811.

The case of the New Orleans Packet having apparently excited considerable interest, it may not be unacceptable to you to receive a more particular account of it than I have hitherto transmitted.

This vessel, owned by Mr. Alexander Ruden, of New York, left that place on the 25th of July, with a clearance for Lisbon, but actually destined for Gibraltar. Her cargo, likewise the property of Mr. Ruden, consisted of 207 whole tierces and 31 half tierces of

* See this copy in the inclosures of Mr. Russell's letter 15th July, which will be found in a subsequent part of this correspondence.

rice, 330 bags of Surinam cocoa, 10 hogsheads of tobacco, 6 tierces of hams, 50 barrels of pork, 60 barrels of beef, 200 barrels of flour, 30 tierces of beans and 64 firkins of butter. On her passage to Gibraltar, she was boarded by an English frigate and an English schooner, and after a short detention allowed to proceed. On arriving at Gibraltar the 26th of August, Mr. Munroe, the supercargo, proceeded to sell the cargo, and actually disposed of the flour, the beans and butter, when about the 20th of September a packet arrived there from England bringing newspapers containing the publication of the letter from the duke of Cadore of the 5th of August. On the receipt of this intelligence, Mr. Munroe immediately suspended his sales, and after having consulted with Mr. Hackley, the American consul at Cadiz, he determined to proceed with the remainder of his cargo to Bourdeaux. He remained however at Gibraltar till the 22d of October, that he might not arrive in France before the 1st of November, the day on which the Berlin and Milan decrees were to cease to operate. He arrived in the Garonne on the 14th of November, but by reason of his quarantine did not reach Bourdeaux before the 3d of December. On the 5th of this month the director of the customs there seized the New Orleans Packet and her cargo under the *Milan decrees* of the 23d November and 17th December, 1807, expressly set forth, for having come from an English port and for having been visited by an English vessel of war. These facts having been stated to me by Mr. Munroe, or by Mr. Meyer, the American vice-consul at Bourdeaux, and the principal one, that of the seizure under the Milan decrees, being established by the *proces verbal* put into my hands by Mr. Martini, one of the consignees of the cargo, I conceived it to be my duty not to suffer the transaction to pass unnoticed, and thereby permit it to grow into a violation of the engagements of this government. While I was considering the most proper mode of bringing the conduct of the customhouse officer at the port under the eyes of his superiors, I learnt of the arrival of the *Essex* at L'Orient. From the time at which this frigate was reported to have left the United States, I had no doubt that she had brought the proclamation of the president announcing the revocation of the very decrees under which this precipitate seizure had been made. I could but think, therefore, that it was important to afford to this government an opportunity of disavowing the conduct of its officer, so incompatible with the engagements on which the president had in all probability reposed with confidence, in season to shew that this confidence had not been mistimed or misplaced. To have waited for the receipt of the proclamation in order to make use of it for the liberation of the New Orleans Packet, appeared to me a preposterous and unworthy course of proceeding, and to be nothing better than absurdly and basely employing the declaration of the President that the Berlin and Milan decrees *had been* revoked, as the means of obtaining their *revocation*. I believed it became me to take higher ground, and, without confining myself to the mode

best calculated to recover the property, to pursue that which the dignity of the American government required.

A crisis in my opinion presented itself, which was to decide whether, the French edicts were retracted as a preliminary to the execution of our law, or whether by the non-performance of one party and the prompt performance of the other, the order in which these measures ought to stand was to be reversed, and the American government shuffled into the lead where national honour and the law required it to follow. Uncertain what would be the conduct of this government, but clear what it ought to be, I thought it politic to present briefly the honest construction of the terms in which the revocation of the decrees was communicated on the 5th of August, that the conditions might not be tortured into a pretext for continuing them. I believed this to be the more necessary as no occasion hitherto occurred for offering such an interpretation. I likewise supposed it to be desirable to take from this government, by a concise statement of facts, the power of imputing neglect to the United States, in performing the act required of them, for the purpose of finding in this neglect a color for again executing the decrees. These were my views in writing promptly and frankly on the occasion.

So acceptable indeed did I suppose it would be to the feelings of the American government, to obtain at least an explanation of an act ostensibly proving the continued operation of the decrees, previous to communicating the proclamation of the president, announcing their revocation, that, although I received this proclamation on the 13th December, I deferred the communication of it to the duke of Cadore, until the 17th of that month; nor should I then have communicated it, had not an interview with him on the 15th, led me to believe that much time might be necessary to procure official reports from the customhouse, relative to the seizure in question, and that until these reports were received, it would be impossible formally to explain or correct this proceeding. When, however, I declined, uninstructed as I was, incurring the responsibility of this protracted delay, and decided on communicating the proclamation before a satisfactory explanation was received, I took care to guard against any misconstruction, by explicitly declaring at the outset that this proclamation "had been issued alone on the ground that the revocation of the Berlin and Milan decrees did not depend on any condition previously to be performed by the United States."

The customhouse officers at Bourdeaux commenced unlading the New-Orleans Packet on the 10th of December, and completed this work on the 20th of that month, as appears by their *procès verbal* of those dates. That of the 20th expressly declares that the confiscation of this property was to be pursued before the imperial council of prizes at Paris, according to the decrees of the 23d November and 17th of December, 1807; or, in other words, the decrees of Milan. The decree of the 23d of March, or the Rambouil-

let decree, is also mentioned; but as I wrote my note of the 10th of December with a view only to the letter of the duke of Cadore announcing the revocation of the Berlin and Milan decrees, and as the *proces verbal* of the 5th appears to waive the application of the Rambouillet decree, as unnecessary, I took no notice of it.

On Monday the 17th of December my remonstrance was submitted to a council of commerce, and referred by it to the director general of the customs for his report. From this time, all further proceedings against the New Orleans Packet were suspended. The papers were not transmitted to the council of prizes, nor a prosecution instituted before that tribunal for the confiscation of the property, as was professedly the intention of the officers concerned in the seizure. This prosecution was not only abandoned, but on the 9th of January the vessel and cargo were placed at the disposition of the consignees, on giving bond to pay the estimated amount, should it definitively be so decided. Nothing is now wanting to complete the liberation of the New Orleans Packet and her cargo but the cancelling of this bond.

It appears, therefore, that the remonstrance of the 10th of December arrested the proceeding complained of, before it had assumed a definitive character, or unequivocally become a breach of faith, and not only rescued the property from the seizure with which it had been visited, but, by procuring its admission, placed it in a situation more favorable than that of many other vessels and cargoes which continued to be holden in a kind of *morte-main* by the suspension of all proceedings with regard to them. I have the honour to be, &c. &c.

(Signed)

JONA. RUSSELL.

Hon. Secretary of State of the United States.

P. S. July 5th. I have the satisfaction to announce to you that since writing the above, an order has been given to cancel the bond, and a letter just received from the commercial agent of the United States at Bordeaux, informs me that it is actually cancelled.

Extract of a letter from Mr. Russell to the Secretary of State of the United States, dated

"Paris, 15th July, 1811.

"On the 5th of that month [May] I received a note [No. 1] from the duke of Bassano, dated the 4th, containing a list of sixteen American vessels whose cargoes had been admitted by order of the emperor. I immediately transmitted to you several copies of this communication, and I gave you on the 8th such an account [No. 2] of the admitted cases, as might aid you in forming a correct estimate of the political value of the measure adopted in their favor.

Although I was fully impressed with the importance of an early decision in favor of the captured vessels, none of which had been included in the list above mentioned, yet I deemed it proper to

wait a few days before I made an application upon the subject. By this delay I gave the government here an opportunity of obtaining the necessary information concerning these cases, and of pursuing spontaneously the course which the relations between the two countries appeared to require. On the 11th, however, having learnt at the council of prizes that no new order had been received there, I judged it to be my duty no longer to remain silent, lest this government should erroneously suppose that what had been done was completely satisfactory to the United States, and, construing my silence into an acquiescence in this opinion, neglect to do more. I therefore on that day addressed to the duke of Bassano my note [No. 3] with a list of American vessels captured since the 1st of November. On the 16th, I learnt that he had laid this note, with a general report on it, before the emperor, but that his majesty declined taking any decision with regard to it, before it had been submitted to a council of commerce. Unfortunately, this council did not meet before the departure of the emperor for Cherbourg; and during his absence, and the festivals which succeeded it, there was no assemblage of this body.

Immediately on receiving the communication of the duke of Bassano of the 4th of May, I addressed him a note [No. 4] concerning the brig *Good Intent*, detained at St. Andero. Although this vessel had in fact been captured, yet, from the peculiar circumstances of the case, I hoped that she would be placed on the same footing as those which had been admitted. The answer [No. 5] which was returned by the duke of Bassano, dated the 25th and received the 28th, announced to me, however, that this affair must be carried before the council of prizes. Wishing to rescue this case from this inauspicious mode of proceeding, I again addressed him in relation to it, in a note [No. 6] on the 2d of June. If I could not obtain at once the restoration of this vessel, it was desirable, at least, that she should be admitted to the benefit of the general measure, which I insinuated might be taken in favor of the captured class mentioned in my note of the 11th of May.

As in this note I have stated the case of the *Good Intent* to be analogous to those of the *Hare* and the *John*, it may be proper to explain to you both the points of resemblance and diversity, in order to reconcile this note with my declaration, that no captured vessel was on the list of the 4th of May. The cases agree in the destination to places under the authority of France, and in the arrestation by launches in the service of the French government; they differ in the *Hare* and *John* having already, before they were taken, arrived at the port, and within the territorial jurisdiction of the country to which they were bound, and the *Good Intent* having been taken without such jurisdiction, and conducted to a port to which she was not destined. The taking possession of the *Hare*, and the *John*, may be considered then as a seizure in port, and that of the *Good Intent* as a capture on the high seas.

On perceiving that the schooner *Friendship* was not named in
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the list of admitted vessels, I caused inquiry to be made at the customhouse concerning the cause of this omission. It was stated that her papers had been mislaid, but that search was making for them, and that, when found, a report would immediately be made. I waited for this report until the 18th of May, but finding it had not been made, I conceived it might be useful, in order to accelerate it, and to render complete the admission of the entire class to which this case belonged, to attract towards the Friendship the attention of the minister of foreign relations. With this view, I presented to him my note [No. 7] of that date.

Having reflected much on the condition, attached to the admission of the American cargoes, to export two thirds of the proceeds in silks, and being persuaded that the tendency of this restriction, added to the dangers of a vigilant blockade, and to the exactions of an excessive tariff, was to annihilate all commercial intercourse between the two countries. I believed it would not be improper for me to offer to this government a few remarks on the subject. This I was the more inclined to do, as it was to be apprehended that this condition was not imposed as an expedient, for temporary purposes only, but that it was intended to be continued as the essential part of a permanent system. In a note, therefore, of the 10th of June, [No. 8] I suggested to the duke of Bassano the evils which might be expected naturally to result from the operation of this restriction on exports. It is indeed apparent, that a trade that has to run the gauntlet of a British blockade, and is crushed with extravagant duties inwards, and shackled with this singular restriction outwards, cannot continue.

On the 15th of June, Mr. Hamilton, of the John Adams, reached Paris, and informed me that this vessel had arrived at Cherbourg. Unwilling to close my despatches by her, without being able to communicate something of a more definite and satisfactory character, than any thing which had hitherto transpired, I immediately called at the office of foreign relations, but the minister being at St. Cloud, I was obliged to postpone the interview which I sought, until the Tuesday following. At this interview I stated to him the arrival of the frigate, and my solicitude to transmit by her to the United States, some *act* of his government, justifying the expectation with which the important law which she had brought hither, had undoubtedly been passed. I urged particularly a reply to my note of the 11th of May, relative to the captured vessels, and observed, that although the mere pecuniary value of this property might not be great, yet in a political point of view, its immediate liberation was of the utmost consequence. I intimated to him at the same time, that my anxiety was such to communicate by the John Adams, a decision on these captures to the American government, that I should detain this vessel until I had received it. He replied that his sentiments accorded perfectly with mine in this matter; and ascribed the delay which had taken place to the same causes as I have assigned. He assured me, however, that he would

immediately occupy himself again with this business, and unless a council of commerce should be holden within a few days, he would make a *special* report to the emperor, and endeavour to obtain a decision from him in person. He approved my intention of detaining the frigate, and engaged to do whatever might depend on him, to enable me to despatch her with satisfaction. He added that he had already made inquiries of the competent authorities, concerning the Good Intent and the Friendship, and that when their reports should be received, he would do whatever the circumstances of the cases might warrant.

I now suggested to him the evils which resulted to our commercial intercourse with France, from the great uncertainty which attended it, owing to the total want on their part of clear and general regulations. After making a few observations in explanation of this remark, I requested to know if he would have any communication to make to me on the subject previous to the sailing of the John Adams. I was lead to make this inquiry from information which I had indirectly obtained, that several resolutions for the regulation of our trade, had been definitively decreed. He replied that no such communication would be made here, but that Mr. Serrurier would be fully instructed on this head. The resolutions just mentioned, as far as I have learnt, are, to admit the produce of the United States (except sugar) without special permits or licenses; to admit coffee, sugar and other colonial produce, with such permits or licenses, and to prohibit every thing arriving from Great Britain, or places under her control.

He again mentioned the discovery of the regulation of the year twelve, authorizing the certificates of origin for French ports only, or for ports in possession of the French armies, but declared that after the most thorough examination of the archives of his department, no document or record had been found permitting these certificates to be granted for the ports of neutral or allied powers. He again, however, professed a favourable disposition towards our negotiations in Denmark, and said, "*le succès de la mission de Mons. Erving s'accorderait parfaitement avec nos sentimens, et ne contrairerait nullement notre politique.*"

With the view above stated, I detained the John Adams until the 9th instant. I had from time to time, in the mean while, informed myself of the proceeding with regard to the captured vessels, and ascertained that in fact, the duke of Bassano had made a report in relation to them. The emperor it appears, however, still wished for the decision of his council of commerce, and the report was laid before them on the 1st of this month, being the first time they had assembled since the date of my letter of the 11th May. I waited in daily expectation of hearing the result of their deliberations, until the 9th instant, when, conceiving sufficient time had been allowed for receiving it, and not feeling perfectly at my ease under the responsibility I was incurring for the unauthorized detention of the John Adams, I determined to learn from the duke of

Bassano, in person, what I might reasonably expect in the matter. I accordingly procured an interview with him on the day last mentioned. I reminded him of what had passed at our conference on the 18th ultimo, and told him that in consequence thereof, I had kept the ship, but that I could not with propriety detain her longer, without the evident prospect of obtaining from the French government the release of the captured vessels. He expressed a conviction of the justice of my observations, and assured me that he was in hourly expectation of receiving a decision on the captured cases, and hoped that the John Adams might not be permitted to return without it. I thereupon consented to keep my despatches open until the 13th, assuring him that I could not take upon myself to protract the detention of the John Adams beyond that period.

On the 13th, about 1 o'clock, I received a note from the duke of Bassano, of which the inclosed (No 9) is a copy. I waited upon him immediately, and was informed that the Two Brothers, the Good Intent, and the Star, three of the captured vessels, had been liberated. He added that no unnecessary delay would be allowed in deciding upon the whole.

I shall despatch Mr. Hamilton this day, and I shall send with him a messenger to be landed on the other side, who will carry to Mr. Smith an account (No. 10*) of what has been done here, to be used by him as he shall judge proper."

No. 1.

[TRANSLATION.]

The Duke of Bassano to Mr. Russell.

SIR,

Paris, 4th May, 1811.

I hasten to announce to you that H. M. the emperor has ordered his minister of finance to authorize the admission of the American cargoes which had been provisionally placed in deposit on their arrival in France.

I have the honour to send to you a list of vessels to which these cargoes belong; they will have to export the amount of them in national merchandise, of which the two thirds will be in silks.

I have not lost a moment in communicating to you a measure perfectly in accord with the sentiments of union and of friendship which exist between the two powers. Accept, sir, the assurance of my high consideration.

(Signed)

DUC DE BASSANO.

No. 2.

Mr. Russell to the Secretary of State.

SIR,

Paris, 8th May, 1811.

I had the honour to address to you on the 6th inst. by various ports, several copies of the note of the duke of Bassano to me on

* See the letter from Mr. Russell to Mr. Smith, charge d'affaires, &c. &c. dated the 14th July, inclosed in Mr. Monroe's letter of 17th October, to Mr. Foster

the 4th, containing a list of the vessels, the admission of whose cargoes had been authorized by the emperor.

This list comprises all the American vessels which had arrived, without capture, in the ports of France or the kingdom of Italy, since the first of November, and which had not already been admitted, excepting the schooner *Friendship*.

The papers of the *Friendship* had been mislaid at the custom-house, and no report of her case made to the emperor.

As the *New Orleans Packet* and her cargo had been given up on bond in January last, there can be no longer any question with regard to their admission; but to make their liberation complete, the bond should be cancelled.

All the vessels mentioned in the list, excepting the *Grace Ann Greene*, had come direct from the United States, without having done or submitted to any known act, which could have subjected them to the operation of the Berlin and Milan decrees, had these decrees continued in force.

The *Grace Ann Greene* stopped at Gibraltar, remained many days there, and in proceeding thence to Marseilles was captured by an English vessel of war. The captain of the *Grace Ann Greene* with a few of his people rose upon the British prize-crew, retook his vessel from them and carried her and them into the port to which he was bound.

The captain considered this re-capture of his vessel as an act of resistance to the British orders in council and as exempting his property from the operation of French decrees professedly issued in retaliation of those orders. He likewise made a merit of delivering to this government nine of its enemies to be treated as prisoners of war.

His vessel was liberated in December, and his cargo the beginning of April last, and there is some difficulty in precisely ascertaining whether this liberation was predicated on the general revocation of the Berlin and Milan decrees, or on a special exemption from them owing to the particular circumstances of the case.

It is somewhat singular this vessel was placed on the list of the 4th inst. when she had been liberated and her cargo admitted so long before.

It may not be improper to remark that no American vessel, captured since the 1st of November, has yet been released or had a trial.

These are the explanations which belong to the measure I had the honour to communicate to you on the 6th instant, and may afford some assistance in forming a just appreciation of its extent and character. I have the honour to be, sir, with great consideration and respect, your most faithful and assured servant.

(Signed)

JONA. RUSSELL.

No. 3.

Mr. Russell to the Duke of Bassano.

SIR,

Paris, 11th May, 1811.

I have the honour to present to your excellency a list of the American vessels which, according to the information I have obtained, have been captured by French privateers since the first of November last, and brought into the ports of France. All proceedings in relation to these vessels have been suspended in the council of prizes, with the same view, no doubt, as the proceedings in the customhouse had been deferred with regard to those which had arrived voluntarily. The friendly admission of the latter encourages me to hope that such of the former at least as were bound to French ports, or to the ports of the allies of France, or to the United States, especially those in ballast, will be immediately released, and that orders will be given to bring on the trials of the remainder, should such a course be judged indispensable, without any unnecessary delay.

The measure for which I now ask, being in perfect accord with the friendly sentiments which prevail between the two countries, I persuade myself will obtain the early assent of his majesty. I pray your excellency, to accept the assurances of my highest consideration.

(Signed)

JONATHAN RUSSELL.

The duke of Bassano, &c. &c. •

LIST OF AMERICAN VESSELS

Taken by French Privateers, since the 1st of November, 1810, and carried into the ports of France.

<i>Vessels.</i>	<i>Where From.</i>	<i>Where Bound.</i>	<i>Cargoes.</i>	<i>When Taken.</i>	<i>Where Brought.</i>
Robinson Ova, Mary Ann, General Eaton, Neptune,	Norfolk, Charleston, London, Id.	London, Id. Charleston, Id.	Tobacco, cotton and staves, Cotton and rice, In ballast, Id.	21st December, 1810, 3d March, 1811. 6th December, 1811, 7th do.	Dunkirk. Id. Calais. Dieppe.
Clio,	Id.	Philadelphia,	English manufactures,	Id.	{ Vessel lost off Trequier, part of cargo saved. St. Malo. N. B.
Two Brothers,	Boston,	St. Malo, {	Cotton, indigo, potashes, codfish, } fish-oil and dye-wood,	20th Id.	{ This vessel was taken within the territorial juris- diction of France.
Star, Zebra,	Salem, Boston,	Naples, Tarragona,	Coffee, indigo, fish, dye-wood, &c. 40,000 staves,	2d February, 1811, 27th January, do.	Marseilles. Do.

No. 4.

Mr. Russel to the Duke of Bassano.

SIR,

Paris, 6th May, 1811.

I feel it my duty to represent to your excellency, that the American brig *Good Intent*, from Marblehead, with a cargo of oil, fish, cocoa and staves, bound to Bilboa, was captured in December last by an armed launch in the service of the French government, and carried into Santander. Mr. J. P. Rattier, the consul of his majesty the emperor at that place, has taken possession of the cargo, and sold that part which was perishable, retaining in his hands the proceeds, and placing in depot the articles unsold, until he shall receive the superior orders of his government.

The present flattering appearance that the relations between France and the United States will be preserved on the most amicable footing, encourages me to hope that the case of the *Good Intent*, after the long detention that has occurred, will attract the early attention of the French government, and that the property will be restored to the American owner.

I pray your excellency to accept the assurances of my high consideration.

(Signed)

JONA. RUSSELL.

His excellency the duke of Bassano,
minister of exterior relations.

No. 5.

[TRANSLATION.]

The Duke de Bassano to Mr. Russell.

SIR,

Paris, 25th May, 1811:

The object of the letter you have done me the honour to address to me on the 7th of this month, was to remonstrate against the sequestration of the American ship the "*Good Intent*," which had been carried into St. Andero by a French vessel.

The minister of marine to whom I hastened to write on this subject, has just answered me, that the case is carried before the council of prizes, which is alone competent to decide on the validity of the capture. He adds that it is before that tribunal, that the owners of the *Good Intent* ought to be prepared to establish their rights, and that he will have no other agency in this affair than to cause to be executed the decision which shall be made. Accept, sir, the assurance of my high consideration.

(Signed)

LE DUC DE BASSANO.

Mr. Russell, charge des affaires of the United States.

No. 6.

Mr. Russell to the duke of Bassano.

SIR,

Paris, June 2, 1811.

By the letter which your excellency did me the honour to address to me on the 25th ultimo, I perceive that the minister of

marine declines interfering in the case of the American brig the Good Intent, except to enforce the decision which the council of prizes may render.

As the Good Intent was captured bound to a port in the possession of the French armies, by a launch in the service of the French government, I had persuaded myself that she would not be treated as a prize, but that she would be restored like the John and the Hare, at Civita Vecchia, without the delay of a formal trial. It was in this expectation, that I omitted to place her on the list of American vessels captured since the 1st of November last, which I had the honour to address to your excellency, in my note of the 11th ultimo. If his majesty the emperor should find it improper, upon being made acquainted with the circumstances of this case, to distinguish it from cases of ordinary capture, I presume there will be no objection to extending to it the benefit of any general decision which may be taken in regard to those mentioned in the list aforesaid.

I pray your excellency to accept the assurance of my high consideration.

(Signed)

JONA. RUSSELL.

His excellency the duke of Bassano.

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No. 7.

Mr. Russell to the Duke of Bassano.

SIR,

Paris, May 18, 1811.

On examining the list of vessels whose cargoes have been admitted, and which your excellency did me the honour to inclose to me in a note dated the 4th of this month, I have discovered that the schooner Friendship has been omitted.

This vessel, as I am informed, arrived at Bourdeaux on the 6th of December last, with a cargo of coffee, which from long detention has suffered considerable damage. As there is no circumstance, within my knowledge, to distinguish the cargo of this vessel from those which have been admitted, I doubt not that her case will be inquired after, and that she will be placed upon the same footing as the others.

I pray your excellency to accept the assurance of my highest consideration.

(Signed)

JONA. RUSSELL.

His excellency the Duke of Bassano,
Minister of Exterior Relations.

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No. 8.

Mr. Russell to the Duke of Bassano.

SIR,

Paris, 10th June, 1811.

I conceive it to be my duty to represent to your excellency, that the condition, attached to the admission of American property in France, to export two thirds of the amount in silks, is attended with great inconvenience and loss to the American merchant.

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A general requisition to export the neat proceeds of imported cargoes in the produce and manufactures of the French empire, would have been so obviously intended to favour its industry and to prevent any indirect advantage resulting to its enemy by the remittance of exchange, that the right and policy of the measure would have been universally acknowledged. The American merchant, in this case, permitted to select from the various and abundant productions of the arts and agriculture of France, those articles which the habits and tastes of the American people demanded, might freely and advantageously have exercised his commercial skill for the advancement of his interests, and hoped, from the profit on his investments here, to obtain an indemnity for the losses on his outward voyage.

The condition, however, imposed on him to receive two thirds of these investments in a *particular article*, takes from him the faculty of profiting of his experience and information, either in bargaining for his purchases or in adapting them to the wants of the market for which they are intended. The holder of this article becomes, by this requisition, the master not only of the price, but of the kind and quality of his merchandise, and his interest will strongly incite him to abuse the power which he feels. He knows full well that the purchaser cannot dispense with this merchandise, and that sooner or later he must accede to the terms on which it is offered. Should, indeed, the American merchant, from his repugnance to invest his funds in an article forced upon him, loaded with the arbitrary exactions of the seller, refuse for a while to receive it, yet, beholding these funds inactive and wasting on his hands, and his vessel perishing in a foreign port, he must eventually yield to the duress which he suffers.

Such are some of the evils, to which the condition in question will expose the American merchant in this country. In the United States, it will be by him still more severely felt.

The overstock of the article forced by this condition on the market there, exceeding the consumption, must necessarily become a drug; and the American merchant, after having taken it here against his will, and paid for it more than its ordinary value, will be compelled in the United States to keep it on hand, or to sacrifice it for the most it will bring. Thus, alternately obliged to purchase and to sell under unfavourable circumstances, he will have to add to the losses of the outward voyage, the losses on the returns, and the sum of them both may amount to his ruin.

These disasters of the merchant must inevitably impair, if not extinguish the commercial intercourse between the two countries. This intercourse, exposed to unusual perils, and *oppressed with unprecedented burdens*, has already nothing in the voyage hither to tempt the enterprise of mercantile men; and should it be embarrassed with the restrictions of this condition, rendering the homeward voyage also unprofitable, it must undoubtedly cease. It is in

vain to expect the continuance of any branch of trade, which in all its relations, is attended with loss to those who are engaged in it.

I have taken the liberty respectfully to submit these observations to your excellency, not without a hope, that a consideration of them may lead to a remedy of the evils which they suggest. I pray your excellency to permit me to renew the assurance, &c.

(Signed)

JONA. RUSSELL.

His excellency the Duke of Bassano.

No. 9.

[TRANSLATION.]

The minister of foreign relations has the honour to inform Mr. Russell, charge des affaires of the United States, that he will be happy to receive him at any time to day before two o'clock, if it should be convenient to him.

He begs him to accept the assurance of his perfect consideration.
Paris, 13th July, 1811.

CORRESPONDENCE

Of George W. Erving, Esquire.

Mr. Erving to the Secretary of State.

SIR,

Copenhagen, June 23d, 1811.

Having had my audience of his Danish majesty on the 5th instant, on the 6th I addressed to Mr. de Rosenkrantz, minister of state for foreign affairs, a note upon the subject of the American cases generally, then under adjudication, by appeal before the high court of admiralty, and on the 7th, a separate note respecting the cases of capture under British convoy. Copy of those two notes, [A. & B.] and the lists to which they refer, I have the honour herewith to submit. In an interview which I had with the minister on the 8th instant, in the course of conversation he told me, that, as the matter of both those notes was very important, and the latter particularly required a great deal of consideration, he must have them perfectly translated into the Danish language, to be laid before the king; therefore I must not expect very prompt replies; but in the mean time that he was sincerely desirous of doing, and would do every thing in his power to forward our business towards a favourable termination. I suppose that the convoy question may be referred to his majesty's chancery, which is the highest tribunal, and that by which the king is accustomed to declare his will in matters which he does not submit to, or chuses to take out of, the ordinary course of proceedings.

Having now fully informed myself of the business intrusted to me, it is with very great satisfaction that I find myself authorized to state to you, that the evils which our commerce has suffered

here, though very considerable, yet have not been quite so extensive as has been generally believed; and you will learn also with very particular pleasure that the depredations of the Danish privateers, have been discontinued since my arrival. I have prepared lists and statements with a view to place the whole matter before you, in the most particular, and at the same time most distinct and simple form. These will be completed when I have received returns from Norway and from Holstein, respecting the fate of some few of the cases which occurred in the year 1809. In the mean time I can state the results to be nearly thus:

Captures in 1809,	-	-	-	-	-	-	-	38
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Condemnations in 1809,	-	-	-	-	-	-	-	12
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Captures in Norway in the year 1810,	-	-	-	-	-	-	-	36
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Of which are pending in the high court 8, and not one has been finally condemned.

Captures in Holstein, Sleswick and the Danish islands in								
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1810,	-	-	-	-	-	-	-	68
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Condemned,	-	-	-	-	-	-	-	22
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Pending,	-	-	-	-	-	-	-	6
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Convoy cases, year 1810,	-	-	-	-	-	-	-	18
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Condemned,	-	-	-	-	-	-	-	8
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Pending,	-	-	-	-	-	-	-	10
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Total amount of captures in 1809 and 1810,	-	-	-	-	-	-	-	160
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Total condemnations, 42, of which 16 were vessels which had broken the embargo or non-intercourse, or are otherwise not genuine American cases.

Pending cases, including 10 convoy cases,	-	-	-	-	-	-	-	24
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In this year, the only two vessels which reached these seas from the United States previous to my arrival, were taken (in the beginning of April) and condemned in Norway; two others just about the time of my arrival were carried in and are now under trial there; but since the 11th instant, upwards of forty vessels from the United States have passed through the Sound, and gone up the Baltic, and more or less are every day passing without interruption. The papers of some few have been slightly examined in the subordinate court of Elsineur. There have been tried in the lower prize court of this place, and acquitted without delay, two or three, and one of them with damages against the captors, being the first case in which damages have been given at Copenhagen. Finally, of the 14 cases (not convoy cases) which were pending before the high court on my arrival, four have been acquitted; and though the privateersmen and all concerned with them (and the ramifications of their business are immense) have made every effort to bring on condemnations, yet the tribunal, otherwise perhaps well disposed to proceed, has been steadily held back by the government; and I see the best reason to hope that at least eight of the remaining ten cases will be acquitted. As to the convoy cases my confidence is not so strong, yet even of them I do not despair; the ground on which they stand I am aware is not perfectly solid, yet I did not

feel myself authorized to abandon them, and therefore have taken up an argument, which may be difficult, but which I shall go as far as possible in maintaining.

I have had several interviews with Mr. de Rosenkrantz subsequent to that last mentioned, and have acquired additional reasons to hope for the king's perseverance in the change of system which has so happily taken place, but he discourages any expectation of indemnification for the injuries sustained by our commerce under that which now appears to be relinquished. Yesterday he told me very explicitly that against the definitive decisions of the high court I must not hope for any redress; he trusted that for the future we should not have any cause to complain, but for the past there was no remedy. I thought it not opportune to enter much into the matter at that time, and therefore contented myself with some general protestations against his doctrines.

I cannot close this letter without acknowledging the very great services of Mr. Isaachson, our consul at Christiansand; you will observe, sir, in the lists which I shall send to you, that of thirty-six vessels carried into the ports of Norway in the year 1810, only four were condemned in the inferior courts of that district; this has been wholly owing to the unwearied exertions of Mr. Isaachson. He found our people in the most distressed situation; entirely friendless, in the hands of, surrounded by, and ready to be sacrificed to the rapacity of, the privateersmen and their connections; he volunteered in their service, he boldly opposed himself to the host of their oppressors; he made each man's cause his own; he provided for every man's wants; in short, his intrepidity and independence, and disinterestedness of character, his constant zeal and industry, saved them from ruin, and with gratitude very honorable to themselves, they never cease to praise him.

With the most perfect respect and consideration, I have the honour to be, sir, your most obedient servant,

GEORGE W. ERVING.

To the honorable Secretary of State.

A.

Mr. Erving to Mr. de Rosenkrantz.

SIR,

Copenhagen, June 6th, 1811.

It was under the fullest conviction and the strongest sense of the injustice which has prevailed in the sentences of the Danish tribunals on cases of American capture, as well as an anxiety immediately to arrest the course of those excesses on the part of the privateers too much countenanced by such decisions, which are laying waste the property of American citizens, that I ventured on the 31st ult. and on the 2d instant, to request that the proceedings of the tribunals should be suspended, until having had the honour of presenting my credentials to his majesty, I should be enabled to enter into regular communication with your excellency.

In this first formal address to you upon the subject of the re-

clamations with which I am charged, it is incumbent upon me to express the extreme surprise and concern with which my government has seen the property of its innocent citizens, whilst employed in fair and legal commerce, ravaged by the cruisers of a nation between which and the United States the most perfect harmony has always hitherto subsisted, against which they have never heretofore found any cause of dispute or any ground of offence, and to which they felt themselves attached not merely by the ordinary ties of reciprocal good offices, but by a common interest in the defence and preservation of those neutral rights, which have so much contributed to the political importance of Denmark, by which her prosperity has been so greatly promoted, and which formerly foremost amongst nations she has so magnanimously and successfully contended for. But at the same time that I make this reflection so necessary and so obvious, I must also say, that the President retains an entire confidence in the personal good dispositions of his majesty, in his steady adherence to those great and liberal principles and to those just political views which so eminently distinguish his character, and the President assures himself that it is only necessary that his majesty should be made acquainted with the nature and extent of the injuries which the rights of the United States, as a neutral nation, and the property of their citizens, have suffered and are still exposed to, to induce him to apply an immediate and an adequate remedy to the evils complained of. His majesty on his part cannot fail to feel that confidence in the correct views and honorable intentions of the U. States, which their uniform conduct in all their negotiations and transactions with other powers has so justly entitled them to; nor can he be indifferent when the friendly relations and mutual good dispositions which have hitherto so invariably subsisted between the two countries, and which it is so much the interest of each to maintain, are in question.

Animated by the most just and friendly dispositions, the American government, whilst it resists all aggressions on its neutral rights, and will never cease to oppose all violations of the public law which may offend them, solicitously avoids any interference with the rights of others, nor will it admit, under cover of its name and authority, any practices which may have that tendency; it has therefore seen with the most indignant sensibility various instances of the prostitution of its flag by unprincipled adventurers in Europe, and I have it in express command to assure his majesty of its determination to discountenance by all practicable means such proceedings, and of its sincere disposition to co-operate with his majesty in detecting and punishing all similar frauds and impostures.

Your excellency will perceive in the frankness of these observations, and in the loyalty of this declaration, the true character of the American government; they will also I trust strengthen my title to that confidence on the part of his majesty which it is at once my duty and by desire to merit.

To carry into effect this twofold purpose of my government; to protect the property of its citizens, and to cast off from any reliance on its protection, those spurious and fraudulent cases, (if any such actually exist) which have injured the character of the American trade and jeopardized the interests of American citizens, I will enter into candid explanations with your excellency upon all the questions which may arise on the cases now pending; so as to establish the bona fide character of the vessels under adjudication, and thus remove from before his majesty every obstacle to that course of justice which he is always desirous to observe, and to a manifestation of the amicable and conciliatory feelings towards the United States which it is confided prevail in his mind.

I have the honour herewith to transmit to your excellency two lists, containing together 28 cases of American capture, being those now actually pending before the supreme court of Admiralty on appeal, or waiting for his majesty's decision. The list No. 1, comprising 12 of the whole number, are "convoy cases," that is, cases in which no question has been raised as to the genuine character of the vessels, but wherein the decision rests upon the clause "d," of the 11th article of the royal instructions of March 10th, 1810, declaring as a cause of condemnation—"the making use of English convoy." I stated to your excellency in conversation, as well as in the note which I took the liberty of addressing to you on the 2d instant, that it would be my duty to object to the principle assumed in that declaration. I trust that I shall be able to show you that it is entirely novel, that it has not any foundation in public law, and that it has not even such sanction as might be supposed derivable from the practice of other nations. Certainly much effort will not be necessary to prove that it is entirely repugnant to the broad ground of neutral right, formerly occupied and firmly maintained by Denmark herself; but upon this point I propose forthwith to address to your excellency a separate note; in the present, I will confine myself to observations on the cases (16 in number) mentioned in the list No. 2.

With respect to the "Egeria," captain Law, I send to your excellency a separate note in reply to that with which you honoured me on the 2d instant. That case must now stand so perfectly clear, that I am sure I need not trouble you with any additional remark on it.

In the two cases, viz. "Nimrod" and "Richmond," the sole objection made is to the French certificates of origin which they had on board; these are presumed to be forgeries, upon a supposition that at the time they bear date, the French consuls in the United States had ceased to issue such certificates. Now the cases must be relieved from that objection, and the question which has been raised upon French certificates of origin be put at rest for ever, by the facts which appear in the correspondence between the Secretary of state of the United States and general Turreau the French minister, a copy of which I have herewith the honour to inclose [No. 3].

Your excellency will observe that in general Turreau's letter of December 12th, replying to the secretary's letter of November 28th, it is expressly and unequivocally stated that the French consuls in America "had always delivered certificates of origin to American vessels for the ports of France," and had also "*delivered them to vessels destined to neutral or allied ports*" by the authority of the French government; and that it was only by the United States ship "*Hornet*," which arrived in America on the 13th of November, 1810, that the French consuls received orders to discontinue the granting of such certificates to vessels bound to other ports than those of France. Your excellency will also perceive in the secretary of state's reply of December 18th how important this explanation was deemed by the president in its application to the vessels of the United States taken by Danish cruizers upon the ground of their having on board such certificates.

Of the thirteen remaining cases in the list No. 2, eight have been acquitted in the subordinate courts of Norway and at Flensburg, and are now depending in the high court on the appeals of the captors; and five have been condemned in the subordinate courts and are now depending in the high court on the appeals of the American masters.

I annex to this note a summary of each class (A and B,) showing the nature of the questions and objections which have arisen upon the several cases, and I do confide, that if your excellency will be pleased to lay it before the king, that his majesty will become immediately sensible to the undue proceedings of his tribunals, and will readily apply his royal authority to administer prompt and efficacious redress for the injuries and vexations which the commerce of the United States and its citizens are suffering.

I can only add, that in all cases where any doubt shall arise respecting the authenticity of American documents, I have it fully in my power to establish the truth: and I beg leave to re-assure your excellency that on this point, as on every other, you shall not experience any proceedings on my part, which will not conform to the strict honour and good faith, to the just and liberal sentiments that characterize, and to the friendly and conciliatory dispositions towards his majesty which influence the government which I have the honour to represent. I offer to your excellency, assurances of the very distinguished respect and consideration with which I am always, &c.

G. W. ERVING.

To Mr. de Rosenkrantz.

B.

Mr. Erving to M. de Rosenkrantz.

SIR,

Copenhagen, June 7th, 1811.

With my note of yesterday, I transmitted to your excellency a list [No. 1.] of the "convoy cases," twelve in number: the two last in that list are not depending on appeal before the high court, as

is mentioned in a memorandum opposite to their names; the first eight vessels of the remaining ten were bound immediately from Petersburg and Cronstadt to the United States; they had all paid their Sound dues, and several of them had been examined before the Danish marine tribunals on entering the Baltic—and they were all arrested in going out by a British force, and compelled to join convoy. When that convoy was attacked by his majesty's gun brigs, the Americans, not conscious of any illegality in the nature of their voyages, or of any irregularity in their own conduct, made not any efforts to escape: they were captured and brought into port. No question has been made as to the genuine American character of the vessels in question, but they have been condemned under the authority of the article "d," in the 11th clause of his majesty's instructions for privateers, issued on the 10th March, 1810, which declares to be good prize "all vessels which have made use of British convoy, either in the Atlantic or the Baltic." At the time of this declaration, these vessels were in Russia, on the point of sailing, and wholly ignorant of it.

This is a brief history of the "convoy cases." It is now my duty to protest against the principle, assumed in the instructions referred to, upon which they have been condemned. I shall endeavour to show to your excellency, that it is wholly new; not founded in, or supported by, any reasoning to be derived from the law of nations—not even countenanced by precedents—and as wholly repugnant to the doctrines heretofore held by Denmark itself, as it is to the rights and to the interests of the United States.

That the belligerent has a right to ascertain the neutrality of vessels which he may meet with at sea, and therefore, under certain suspicious circumstances, to bring such vessels into port for examination, I am not disposed to deny: it may also be allowed that the being found under enemy's convoy does afford such reasonable ground of suspicion, against the vessels so found, as to authorize their being sent into port for examination. But this is the full extent of the belligerent right on this point: the examination had, and the vessels being found bona fide neutral, must be acquitted. To say that the neutral shall be condemned on the *mere fact* that he was found under enemy's convoy, is to impose upon him a necessity of sailing without protection even against his own separate enemies; for the case might well happen, indeed has happened, that though neutral with regard to the belligerent powers, he has had an enemy against whom either of the belligerents was disposed to protect him. Of such protection the American commerce has often availed itself, during the war between the United States and Barbary powers; nor was it ever supposed by either of the great belligerent powers, that such commerce, so protected by its enemy, had thus become liable to capture and confiscation. The case might also occur, that of two allied belligerent powers, a third power should be enemy as to one and neutral as to the other: in that case, his seeking the protection of the common enemy of these al-

lied powers, against that of them to which he was enemy, could not subject him to capture and confiscation by the other allied power, with respect to which he was neutral; his right, in either of these and in all cases, to protect himself against his enemy by availing himself of whatever convoy offers, is unquestionable. I state these arguments against the *broad ground* taken in the royal instructions above quoted. But it will be said that the belligerent having also an unquestionable right to ascertain the neutrality of vessels, and belligerent rights being paramount to neutral rights where the two happen to be in collision, hence the attempt of the neutral to deprive the belligerent of his right, by putting himself under convoy, forms of itself a ground of capture and confiscation. To this I answer.

Firstly: That the belligerent rights, where they come into collision with those of neutrals, are not to be deemed in *all cases* paramount; and that nothing can establish such a general rule but force, which is not law or justice.

Secondly: That no presumption necessarily arises against the neutral, from the mere circumstance of his being found under enemies' convoy; but that this point will depend upon the peculiar circumstance of each case.

Thirdly: That where the belligerent and neutral rights conflict, all other circumstances being equal, the plea of necessity ought to decide the question in favour of the neutral. In the case supposed, the belligerent is seeking the mere exercise of a right, but the neutral is occupied in his self preservation.

Fourthly: Superadded to this reason in favour of the neutral right, is one springing out of the immutable principles of equity; for since, according to modern practice, the neutral has no representative in the judicature by which his cause is tried—that it is no longer an umpirage, or a court of arbitration—so his claim to a favourable leaning towards his right, in all questionable cases, is very much strengthened.

But it is also proper to inquire, whether the vessels in question did in fact put themselves under convoy with a view to avoid examination by Danish cruizers. Now it appears, in the first place, that they did not seek convoy for any purpose, but that they were forced into it. Apart, however, from that question, there were not any Danish laws or ordinances, which they knew of, subjecting them to capture; nor could they apprehend or anticipate any such; the less, as they had previously passed through the Sound, or Belt, in safety, and without convoy; hence they had not any motive to seek convoy as a protection against Danish cruizers. They had, indeed, other inducements to put themselves under convoy; the decrees of his majesty the emperor of France (since, happily for the harmony between the United States and France, repealed) were then in force: that system, working against the English orders in council, produced such a state of things with regard to the commerce of America, that scarcely one of its ships could move on

the face of the ocean without being exposed, under this unfortunate co-operation of hostile systems, to capture and confiscation: hence it is not surprising if American vessels have, from time to time, been terrified into the convoy, now of one party, now of the other. But had this happened in the cases before us, yet it would not have formed a just ground of capture and confiscation; for, the merits or demerits of the Berlin and Milan decrees out of the question, those decrees have not been adopted by Denmark: indeed, at the time the vessels were taken, his majesty had not assumed any course, with respect to the American commerce, from which evil was to be apprehended: hence, I beg leave to repeat, that the vessels in question cannot be presumed to have sought protection under British convoy for the purpose of avoiding his cruizers. But, if the contrary had been proved, if it stood confessed that they had sought convoy against Danish cruizers; in that case they would have been liable to capture certainly, but it is equally certain that they would not have been liable to condemnation. I must again totally deny that the rule laid down in the article of the royal instructions above cited, is supported by any principle to be found in the law, and I can confidently ask your excellency to show me any authorities in its favour. If the writers be silent on the subject, then their silence is to be construed favourably for the neutral; it supposes that his right to sail under convoy, in all cases, is indisputable: what is not expressed, against this claim, cannot be implied; but, I will add, that all the analogies to be drawn from the law are in favour of the neutral. In this view, the rule laid down in the instructions, by its sweeping latitude, forms its own condemnation; for it would comprise not only vessels which might accidentally be within sight of, or at any indefinite distance from, an enemy's convoy, but vessels found in an enemy's harbour under cover of his guns. But the law says, that neutral goods so found under his forts, within his territory, or even on board his vessels at sea—which is to be as immediately and totally under his protection as is possible—that these are not liable to confiscation, but shall be restored to the neutral owners. The doctrine laid down by Grotius in the "*de jure belli ac pacis*" on this point, has never been refuted, but has, on the contrary, been adopted by subsequent writers; treaties, indeed, may have said otherwise, but treaties change not the law, they bind only the parties to them. I may equally ask your excellency to show me examples in the practice of nations, countenancing the rule laid down in the royal order; and I can quote, in favour of the neutral right, the example of England—a power which neither your excellency nor myself are disposed to extol for her moderation in the exercise of her belligerent rights, or for any dispositions which she has manifested favourable to those of neutrals—England herself has never gone to the extent of condemning vessels upon the mere ground of their having been taken under enemies' convoy, but she has captured them in that situation and acquitted them.

I might occupy your excellency's attention by expatiating on the conduct of Denmark in former times, by carrying back your view to a consideration of that great system of neutral rights, which she so boldly adopted and so ably supported, in the year 1780—which are again recognized in her convention with Sweden of 1794—which she has subsequently co-operated with Russia to establish, and the leading feature of which still appears in the very royal instructions on which I have been commenting: but it would be an ungrateful task, and not necessary to be undertaken, because the mere mention of the subject carries conviction to the mind on the point to which I would apply it, and because, on every other, I have already said more than enough to establish the chief position with which I began: viz. that nothing to be found in the law will authorize the condemnation of neutral property upon the mere fact of its being found under enemies' convoy, and that therefore on due proof of its neutrality, it must be acquitted.

I consider it to be a propitious circumstance, that in acting upon this very important question, his majesty's government is unembarrassed by the claims of privateersmen, and that the cases of these vessels are thus presented in the plainest form, unmixed with any extraneous matter, the captures having been made by public ships, leaving the fullest scope to the magnanimity and justice of his majesty's disposition. I have the honour, &c.

G. W. ERVING.

To his excellency M. de Rosenkrantz,
first minister of state, &c.

Mr. Erving to the Secretary of State.

SIR,

Copenhagen, July 15, 1811.

I have the honour herewith to inclose copies of my correspondence with this government since my last communication, viz.

No. 1. Mr. de Rosenkrantz his note of June 28th in reply to mine of the 6th and 7th of June.

No. 2. My note to Mr. de Rosenkrantz, of June 30th in reply to the above.

No. 3. Mr. de Rosenkrantz, his note of July 9th in reply to mine of the 30th of June.

On the 28th of June, I waited upon the minister for the purpose of conversing with him on such part of his note of that date as respected the convoy cases, but did not obtain any thing more satisfactory than what is contained in it. On the 29th he went into the country, from whence he did not return until the morning of the 2d instant: in the mean time the cases were pressed forward in the high court, and it was determined to condemn four of them instantly, as though it were to preclude the possibility of any further remonstrance on my part. I had received an intimation of this intention on the 30th of June, and then wrote to Mr. de Rosenkrantz unofficially, hoping that he would be able to arrest the progress of the tribunal. On the 1st instant, having ascertained that

intention, I again addressed him in the same way, and in terms rather more forcible; that communication, though unofficial, Mr. de Rosenkrantz, actuated by the most friendly motives, immediately sent to his majesty, yet it failed of its intended effect, and on the 2d instant four of the cases were condemned.

On receipt of the minister's last note (on the 9th,) I again waited on him and warmly remonstrated against this precipitate procedure, and the determination taken to condemn all the convoy cases without admitting any justificatory pleas; he reverted to whatever is found in his written communications to support the determination, and yet seemed to regret that it had been taken; but withal was unable to effect, and did not afford the least encouragement to hope for any modification of it; nevertheless some of these are cases of great hardship, and I have concluded not to relax my efforts in their favour, whilst any one of them remains uncondemned.

In every other respect the position of our affairs is not unsatisfactory, the privateers are discouraged, and nearly all our vessels pass without interruption. I transmit herewith lists and statements as correct as it is possible to make them, which place in the most distinct point of view whatever has passed in relation to, and the actual state of the business with which I am charged. With the most perfect respect and consideration, sir, your very obedient servant,

GEORGE W. ERVING.

To the Secretary of State.

No. 1.

*Translation of a note from Count Rosenkrantz to Mr. Erving,
dated*

28th June, 1811.

The undersigned, minister of state, chief of the department of foreign affairs, has laid before the king, his master, the notes which Mr. Erving, special minister from the United States of America, addressed to him on the 7th current. He is charged to assure this minister that his majesty has seen with great satisfaction, that the President of the United States recognizes the reciprocal utility of the relations which unite the two governments.

The king having always had it at heart to maintain a good understanding with the American government, would be much pained if he could be convinced that the subjects of the United States, who have carried on commerce or navigation either in the ports of his majesty or in the waters which wash the shores of his states, and in the adjoining latitudes, have had just cause to complain of the treatment which they have met with here in consequence of the privateering which his majesty has been forced to authorize by the war into which the Danish nation have been drawn by the government of Great Britain. His majesty is persuaded that the vessels captured under the flag of the United States, have not been brought into his ports unless there was reason to suppose that the vessel

was not duly authorized to carry that flag, or that she was engaged in an illicit trade. The ordinance as to privateering, which was published on the 28th of March of the last year, prescribed to those fitting out privateers, the conduct they were to pursue, and it also fixed the responsibility to which they were subjected. The high court of admiralty watches over the execution of this ordinance, which has met the approbation of all the governments of Europe.

If there have been many vessels under the American flag brought in, it is because there have been a great number of them furnished with false papers, that evidently carried on a simulated and justly prohibited commerce. It was naturally very difficult for the courts to distinguish at first, the navigation which was fair, and in rule (*en règle*) from that which was devoted to the service of the enemy of Denmark. The conduct of the navigators who followed the latter compromised those who had nothing to reproach themselves with; but in every case where the high court of admiralty discovered that the papers on board proved that the vessel was really American, and that the captain had not made an improper use of them to cover the property of the enemy, passing it off as American, the vessels and the cargoes have been released. There was one cause of a seizure and of process against American vessels, which in a certain degree applied to those that produced false papers or to those in whose documents there were irregularities. This was the certificates of origin granted to American vessels by the French consuls residing in the ports of the United States. The French government caused it to be officially declared to the court of Copenhagen, on the 22d of September, that the consuls of France would not grant any more certificates of origin, and that every American vessel that had them on board, had so far false papers, and was to be treated accordingly. Taking into view the strict and happy union which subsisted between the king and his majesty the emperor of the French, his majesty could not but pay attention to this communication. He therefore ordered that the certificates of origin, which had been thus declared to be all false, should be considered by the prize courts as false documents, which would authorize the condemnation of the vessel that had them on board. The undersigned having been afterwards informed by the charge des affaires of his majesty in the United States, and more recently by Mr. Erving, that the consuls of France in the United States had not received the order of their government to abstain from granting these certificates, until the 13th of November of last year, by the *Hornet*, and that they had not ceased granting them until after that period, and having reported this to his majesty, he immediately directed that the certificates in question should no longer be injurious to the vessels that were furnished with them, provided that these certificates bore date prior to the 13th of November of last year.

The king has not confined himself to giving this proof of his attention to the remonstrance made to him on the part of the go-

vernment of the United States. His majesty has also, having in view the representations made by the special minister of the United States, just ordered that the cases of the following vessels, under the American flag, brought into the ports of his dominion, viz.

Minerva,	Captain Baker,
Resolution,	Eldridge,
Pittsburg,	Yardsley,
Maria Theresa,	Phelps,
Amiable Matilda,	Hague,
Minerva,	Smith,

should be reported to him by his chancery before the definitive sentence was pronounced, in case the supreme court of admiralty should find that the charges, alleged by the captors, were so well founded as to make it probable that the sentence would be unfavourable to the vessels. Mr. Erving will be pleased to observe, that these are vessels acquitted in the first instance by the prize courts, and in whose cases appeals have been made by the captors. His majesty has also determined to cause to be reported to him in the same manner the cases of the following vessels:

Oscar.	Captain Cunningham,
William and Jane,	Bunker,
Washington,	Almy,
Rachel,	Joseph,
Charlotte,	Pierce,

in which the masters of the vessels have had recourse to an appeal to the decision of the supreme court. The undersigned flatters himself that Mr. Erving will find in this compliance of the king his master, an evident proof of the desire of his majesty to see that the most exact justice may be observed towards the American vessels brought into the Danish ports.

His majesty, who has seen with great satisfaction that the President of the United States properly appreciates the sentiments of justice and equity which animate him, feels gratified in manifesting to him, that he desires to preserve and to cultivate on his part, the relations of good understanding and of amity, which have always subsisted between the Danish government and that of the United States of America. It is enjoined on the undersigned to charge Mr. Erving with assuring his government that the intentions of the king, his master, are invariable in this respect.

With regard to vessels under the American flag, arrested at sea by Danish cruizers, and which were found under the convoy of British ships of war, Mr. Erving will permit the undersigned to have the honour of observing to him, that when the fact is fully proven, the searching after, and the use made of the protection of the enemies of Denmark, in the seas which wash the shores of his majesty's dominions, or in those which environ them, cannot be viewed by the Danish government, but as having taken from these vessels their original character of neutrals. But the king, not having been willing, that the courts should attribute to vessels under the American

flag, they having been placed (*de s'être mis*) under the protection of his enemies, unless the fact was proven, has very recently directed, that proofs the most evident, be required to establish the fact, that a vessel under the American flag had been (*ait été*) under English convoy. The undersigned cannot but urge in favor of the principle established by the 11th article of the ordinance for privateering, the argument that he who causes himself to be protected, by that act ranges himself on the side of the protector, and thus puts himself in opposition to the enemy of the protector, and evidently renounces the advantages attached to the character of friend to him, against whom he seeks the protection. If Denmark should abandon this principle, navigators of all nations would find their account in carrying on the commerce of Great Britain under the protection of English ships of war, without running any risk. We every day see that this is done, the Danish government not being able to place in the way of it sufficient obstacles. The undersigned will add a single observation which will serve to convince Mr. Erving, that this principle is, in the view of his majesty, as just as it is invariable. It is that every Danish vessel which should make use of English convoy is condemned, if she is convicted of it, in like manner as a foreign vessel. It is but too well known that in all times, during maritime wars, neutral navigation has been exposed to embarrassments and delays. The Danish navigation has had experience of it in its time. It is, therefore, that the king has established rules for privateering, which place the navigation truly neutral, under cover from vexations. His majesty would equally have wished entirely to have prevented captured vessels from experiencing delays of any importance, when it was found that they had their papers on board in order, (*en règle*) and that they had not improperly used them to carry on a simulated commerce, on account of the enemy of Denmark. He is convinced that he has taken for this purpose all the measures in his power, and he is resolved carefully to watch over their execution. These measures and the will (*volonté*) of the king, offer sure guarantees to the commerce of the United States, that the vessels under their flag will be able to navigate in the seas and waters visited by Danish cruizers, without any risk of being molested by them or brought in, if their papers are in order (*en règle*) and there is no reason to suppose that they have been improperly used. The vessel which is destined to carry into any port whatever, produce and merchandise, which are not admitted into that port, according to the laws of the state to which it belongs, will not be considered as in rule (*en règle*) and the navigators who may aim at employing their vessels in this way, will only have to blame themselves if their enterprise leads to their injury.

The undersigned, in acquitting himself, as he has just done, of the orders of his sovereign, cannot deprive himself of the honour of again reminding Mr. Erving that the navigation and commerce of the citizens of the United States, found a reception and an outlet

for the productions of their country, in the ports under the dominion of the king of Denmark, at a time when they did not enjoy the same advantages in the ports of the greater part of the states of Europe. This circumstance will sufficiently prove to the American government, that that of Denmark is fully aware of the reciprocal utility of the relations of commerce and of good understanding between the two nations.

The undersigned has the honour of renewing to Mr. Erving, the assurance of his high consideration,

(Signed)

ROSENKRANTZ.

G. W. Erving, Esq. &c.

No. 2.

M. Erving to Mr. de Rosenkrantz.

Copenhagen, June 30, 1811.

The undersigned, special minister of the United States of America, has received the note which his excellency M. de Rosenkrantz, first minister of state and chief of the department of foreign affairs, was pleased to address to him on the 28th instant, in reply to the representations made by the undersigned on the 6th and 7th instant, respecting the reclamations with which he is charged. He shall immediately transmit his excellency's said note to the government of the United States, and is persuaded that the president will receive with great satisfaction, the reciprocation which his majesty has therein offered of the friendly sentiments which the undersigned was ordered to express: these dispositions and the just and liberal views of his majesty, with regard to the neutral commerce of the United States as declared in his excellency's note, since they leave not the least doubt but that his majesty has been wholly unaware of the great injuries which that commerce had lately sustained within his dominions, afford to the undersigned the happy presage of a favourable termination to the business with which he is intrusted, and a sure pledge that the harmony which has hitherto always subsisted between the two governments, will still be maintained in its full extent and perfection.

Thus assured of meeting on the part of his majesty's government with no dispositions but those which are of the most just and friendly character, it is with more than ordinary pleasure that the undersigned proceeds in the performance of his duty.

His excellency, the minister of state, after showing the causes which have occasioned the capture of so many vessels under the American flag observes, that in all cases where the supreme tribunal of admiralty has found that the papers on board such vessels prove their American character, and where their neutrality has not been abused by any attempt to cover enemy's property under simulated papers, both vessels and cargoes have been released. Such is undoubtedly the impression on the mind of his majesty, who has been convinced that the inquiries pointed out by his in-

structions have been conducted with all the impartiality by which those instructions were dictated: but it can be shown in a multiplicity of cases that the high court has entered into matter entirely irrelevant to the object of the instructions; that it has given weight to evidence entirely inadmissible, and has resorted to pretexts for condemnation entirely insufficient: it shall be shown to his majesty, that, thus contrary to his royal intention, a great mass of American property has been unjustly condemned in the high court—whether by a mis-construction or mal-application of his majesty's regulations, the undersigned will not undertake to say—perhaps it may not be important to inquire, since, be the source of this evil what it may, to the royal sense of justice only the injured now have to look, and they look with confidence for redress. The details upon this subject will be voluminous: the undersigned will here point only to one, and that a recent decision (being the first which presents itself,) by way of exemplification.

In the case of the American ship "Swift, Champlin." In the high court on the 11th March, 1811, this ship was condemned on an allegation that captain Champlin had thrown some papers overboard; which allegation had no better or other support than the oaths of seven of the privateer's men who captured her. It is to be observed on this sentence,

Firstly, as to the alleged fact. The royal instructions of March, 1810, after stating what shall be deemed causes of condemnation, in the 12th section states what shall be cause of suspicion, and subject vessels to further examination; and in the article "e" specifies the throwing overboard or destroying of papers. This throwing overboard of papers then, constitutes ground of suspicion only, and authorizes further examination with a view to ascertain whether that fact can implicate the neutral character of the vessel. Now, in the course of the further examination on this trial, the neutrality of the ship and the fairness of her voyage were fully established; the alleged circumstance with respect to her papers therefore remained naked, and unsupported by any sort of ground or pretext for condemnation—and yet she was condemned!!

Secondly, as to the evidence. The American master objected, that it was contrary to all the principles of justice and law to admit the evidence of privateersmen, who were parties interested in his condemnation; but the court decided that they were not interested, and that their evidence must be admitted! and that the evidence of the crew of the American ship should not be admitted to rebut it! The American master then went on to show that the witnesses were interested, and produced a contract made between them and the owners of the privateer (the authenticity of which was acknowledged) by which it appeared that the equipage of the privateer were to receive half of the next prize which they might take: still the court determined that they were not interested in the condemnation of this ship, and that their evidence should be admitted!! The American master then went on to prove that it was impossi-

ble they should have sworn truly: they had declared that the papers thrown overboard were of the size of about six inches square, and had been passed through a certain opening in the afterpart of the ship; the American master proved, by the examination and declaration of two Danish masters, that the privateersmen could not have seen them dropped into the water as they had stated; and further, that the hole pointed out was not large enough for them so to have been passed through: but neither did these proofs produce any effect in favour of the American; he was predestined to condemnation. The court had no disposition to reject the evidence of the privateersmen, though the same privateersmen had produced two other men to swear that they had seen this same ship "*Swift*" at Liverpool—and captain Champlin proved that, one day after the day in which this evidence stated that he was at Liverpool, he spoke his majesty's gun brig the "*Sea-Gull*"!

The undersigned trusts that any comment whatever, upon such a sentence, would be entirely superfluous—a sentence, in direct violation of his majesty's instructions. He will only add, that the property *thus condemned* is valued at 100,000 Spanish dollars! The explanation which the minister of state gives, as to the objection made by the tribunals to French certificates of origin, and the order which his majesty has now been pleased to issue on that subject, though applying only to two of the cases, viz. "*Nimrod*" and "*Richmond*," named in the lists transmitted to his excellency on the 6th instant, and both lately acquitted, cannot fail of being satisfactory: but, observing therein that the notification made by the French government was not till the 22d of September, the undersigned cannot refrain from again adverting to the conduct of the high court, which, in a sentence given on the 22d of December, in the case of the "*Agents*," Row, justified the *capture* of that ship in the month of *June*, upon the ground that she had with her papers a French certificate of origin; and upon that same ground, *and upon that only*, decreed that a sum of 500 rix-dollars should be paid to the captors! Precisely the same decision was given, about the same time, in the case of the "*Julian*," Abbott.

In the order which his majesty has now issued with respect to the eleven cases pending in the high court, and as specified in the minister of state's note, the undersigned recognizes the determination of his majesty to insure justice to the American claims; and he has the honour to assure his excellency the minister, that the president will receive with peculiar satisfaction the declaration of his majesty accompanying this act, and charging the undersigned to communicate to his government his majesty's invariable disposition to cultivate the good intelligence and friendly intercourse which ought always to subsist between the two countries.

When on every other point there is the pleasing prospect of a perfect accord, it is with regret that the undersigned feels the necessity imposed on him of differing in opinion with his excellency M. de Rosenkrantz on the subject of the *convoy cases*, and of con-

testing some of the doctrines which the minister has laid down as applicable to those cases.

His excellency has not thought proper to reply to the reasoning upon which the undersigned based his reclamation, which therefore remains in its entire force; nor has he produced any thing which can be deemed satisfactory in support of the principle assumed in the royal instruction to which that reasoning has been applied. The minister of state has produced in favour of the principle in question the single argument, that he who puts himself under the protection of another, does thereby take side with his protector, and renounces the advantages which belong to the quality of friend as to him against whom he seeks protection. In vain are the books examined to discover the source from which this argument is drawn; in vain are history and records of diplomacy resorted to, for authority or for any countenance given to the doctrine which it embraces: but these books and these records, have they lost their title to respect? Have they become a dead letter? His majesty certainly does not assume to act on principles unknown to them; to originate a practice at once undefined in its limits and rigorous in its character beyond all precedent; in hostility also with the ancient doctrines of Denmark, and a stranger to all her maritime codes: so much a stranger as that it is not found even in the royal instructions issued on the 14th September, 1807. His excellency the minister of state supposes an acquiescence in this new rule upon the consideration that it is applied to Danish ships as well as to strangers. Certainly the United States will never dispute the equity or propriety of any law emanating from his majesty's authority and applied to his own subjects; but it is equally certain that they found their rights upon the public law only, and cannot consent to place them at the disposition of any partial authority, or to limit them by the convenience of the belligerent powers. It is not readily conceived how Danish ships or ships of the allies of Denmark, being subject to the capture of the enemy, can be found under his convoy; vessels carrying such flags, and so found, cannot but be enemy's property; but if by whatever means his majesty's subjects do put themselves under enemy's convoy, they are doubtless guilty of a high crime, and richly merit all the punishment which his laws inflict; but is the same rule to be applied to the property and to the citizens of a neutral and independent power?

Thus much the undersigned has found it his duty to say in addition to what has before been stated and remains unanswered respecting the principle assumed in the royal instruction of March, 1810: but he finds one part of the minister's note which as he apprehends goes much beyond that instruction and which would preclude the neutral from any kind of justification for being found under enemy's convoy.

It were a gross dereliction of the interests of the United States should the undersigned leave the least room for his excellency to suppose that the American government will accede to the fiction

propounded by his excellency, viz: "that neutral vessels found under enemy's convoy have *eo facto* lost their original quality of neutrals." This idea was certainly more fully and distinctly expressed in conversation, and seeing that there are parts of his excellency's note which favour a different conclusion, he eagerly seizes the hope that it is not really intended to carry the doctrine to such an extent; yet as in a matter of such importance nothing should remain equivocal, the undersigned, desirous of laying it before the president in the most distinct manner, requests that he may be favoured with an explanation as to whatever is susceptible of misconstruction.

His excellency, pursuing the idea above cited in mentioning the instructions which his majesty has now given to his tribunals to direct their examinations on American vessels found under enemy's convoy, says, "*que les preuves les plus évidentes seront requises pour prouver qu'un navire sous pavillon Américain ait été sous convoi Anglois.*" Yet it is hoped that the words *ait été* are not intended to be connected with what is above quoted, but rather that they are to be governed by the sense of the words, "*s'être mis sous la protection*" found in the same sentence; by the words "*la recherche et l'usage faites*" in the paragraph preceding; by the words "*se fait protéger*," which will bear the same construction in the paragraph following; and finally, by the words in the article "d" clause 11th, of the royal instructions of March 1810, construed "*using convoy*," which must be supposed to mean a voluntary use of convoy, and cannot intend vessels which have been forced into or have accidentally found themselves in convoy. For, to condemn vessels under such unfortunate circumstances! is that the course of a power friendly to the neutral? this reflection so strengthens the above construction of the words used in the royal order of March 10th, as not to leave a possibility of supposing that his majesty intended that such innocent vessels should be affected by it.

The undersigned cannot conclude this note without expressing his full confidence that the friendly dispositions professed by his majesty will dispose him so to regulate the conduct of his tribunals upon the convoy cases as to satisfy the just claims of the United States, or without assuring his excellency the minister of state in reply to the last observation in his note, that the American government is also fully sensible to the value of the commercial and friendly relations which have always subsisted between the two countries.

No. 3.

Count Rosenkrantz to Mr. Erving, dated

Copenhagen, 9th July, 1811.

The undersigned, minister of state and chief of the department of foreign affairs, has seen with very particular satisfaction from the note of Mr. Erving, minister of the United States of America, under date of the 30th ultimo, that he was not disappointed in his expectation of finding that Mr. Erving would acknowledge the sentiments of justice and equity which animate the king his master,

as well as the desire of his majesty to maintain a good understanding with the government of the United States. But it is not without pain that the same minister of state sees that Mr. Erving remonstrates against the sentences already definitively pronounced.—It is with the same sentiment that the undersigned finds himself charged by the orders of his sovereign to repeat to the minister of the U. States, that his majesty cannot make any general change in the regulations of the ordinance for privateering, issued on the 28th March of last year, and in consequence none in the 11th, which under the letter “*d*” declares that neutral vessels, that make use of the convoy or of the protection of the vessels of war of G. Britain, are to be considered as good prize if the Danish privateers capture them under convoy. The undersigned must repeat that the rule laid down by that article of the ordinance, will be followed by the prize courts whenever the proofs are clear, that the vessels under American flags as well as those of other nations are found in a convoy under the protection of the enemies of Denmark. He does not wish to repeat here what he had the honour of stating on this subject in his preceding note; but he begs Mr. Erving to be so good as to observe to his government that none of the powers of Europe have called in question the justice of this principle.

Mr. Erving has observed, that notwithstanding the Danish courts had not been directed to consider the certificates of origin granted by the French consuls in the ports of America, as false until the 22d September of last year, there has nevertheless been imposed upon two vessels acquitted by the supreme court of admiralty, a fine solely for having these certificates on board, as Mr. Erving has been informed. The undersigned, although he is not informed of these facts, will not call in question the assertion of the minister of the United States; and he must consequently suppose that the suspicion of the legality of these certificates was excited by the public declaration which was before made on the part of the French government, that the consuls of France were not authorized to grant the certificates in question, and that for that reason the courts have decided that the captors were justified in bringing in the vessels for examination.

(Signed)

Honorable Mr. Erving, &c. &c.

ROSENKRANTZ.

LETTER

From the Secretary of the Treasury, transmitting his Annual Report, prepared in obedience to the act, supplementary to the act, entitled "An act to establish the Treasury Department."

SIR,

Treasury Department, November 22d, 1811.

I have the honour to inclose a Report prepared in obedience to the act, entitled "An act to establish the Treasury Department."

I have the honour to be,

Very respectfully, sir,

Your obedient servant,

ALBERT GALLATIN.

The Hon. The Speaker of the House of Representatives.

REPORT

IN obedience to the directions of the "Act supplementary to the act, entitled 'An act to establish the Treasury Department,' the Secretary of the Treasury respectfully submits the following report and estimates:

RECEIPTS AND EXPENDITURES.

1. *To the end of the year 1811.*

The actual receipts into the Treasury, during the year ending on the 30th of September 1811, have consisted of the following sums, viz:

CUSTOMS, sales of lands, arrears, repayments, and all other branches of revenue, amounting together, as appears by the statement (E) to		\$13,541,446 37
Temporary loan of 31st December, 1810	-	2,750,000
Total amount of receipts	-	\$ 16,291,446 37
Making, together with the balance in the treasury, on the 1st of October 1810, and amounting to	-	\$ 3,459,029 72
An Aggregate of	-	\$ 19,750,476 09

The disbursements during the same year have been as followeth, viz:

Civil department, including miscellaneous expenses, and those incident to the intercourse with foreign nations,	- - -	\$ 1,360,858 98
Army, fortifications, arms and arsenals,	\$ 2,129,000	
Navy department,	- - -	2,136,000
Indian department,	- - -	142,725
		<hr/> 4,407,725
Payments for interest on the public debt,	- - -	2,225,800 93
		<hr/>
Total current expenses,	- - -	7,994,384 91
Reimbursement of the temporary loan (in March and September 1811,) - - -	- - -	2,750,000
Payments on account of the principal of the public debt, - - -	- - -	5,058,272 82
		<hr/>
Amounting together, as will appear more in detail by the statement (E) to - - -	- - -	15,802,657 73
And leaving in the treasury, on the 30th September 1811, a balance of - - -	- - -	3,947,818 36
		<hr/>
		\$ 19,750,476 09

The actual receipts arising from revenue alone, and exclusively of the temporary loan, since reimbursed, appear from this statement to have exceeded the current expenses, including therein the interest *paid* on the debt, by a sum of more than five millions and a half of dollars. But the payments on account of interest, during the year ending on the 30th September 1811, have, from an unavoidable delay in making the usual remittances to Holland, fallen short of the amount due during the same period: and the real excess of receipts arising from revenue, beyond the current expenses, including therein the interest *accrued* on the debt, amounts only to near 5,100,000 dollars.

The receipts for the last quarter of the year 1811, are estimated at 3,300,000 dollars; and the expenditures (including the payment of arrears of interest, and near 2,160,000 dollars on account of the principal of the public debt) at 4,300,000 dollars, which will leave at the end of the year, a balance in the treasury of near three millions of dollars. It will not, therefore, be necessary to resort, for the service of the present year, to the loan authorized by the act of the last session of Congress.

2. Year 1812.

- It is ascertained that the net revenue arising from duties on merchandise and tonnage, which has *accrued* during the three first quarters of the year 1811, exceeds six millions of dollars; and it may for the whole year be estimated at 7,500,000 dollars.

The customhouse bonds outstanding on the first day of January 1812, and falling due in that year, are also estimated, after deducting bad debts, at 7,500,000 dollars. This sum may therefore be assumed as the probable amount of receipts into the treasury, during the year 1812, on account of duties on merchandise and tonnage; the portion of the revenue arising from importations subsequent to the present year, which will be received in 1812, being considered sufficient to pay the debentures, and expenses of collection of that year.

The payments made by purchasers of public lands north of the river Ohio having, during the two last years, after deducting the expenses and charges on that fund, amounted to near 600,000 dollars a year, that branch of revenue may for the present be estimated at that sum. Allowing one hundred thousand dollars for the other small items of revenue, which consist principally of arrears and repayments, the whole amount of actual receipts into the treasury during the year 1812, may therefore be esti-

imated at - - - - - \$ 8,200,000

The current expenses for the same year are estimated as followeth, viz:

1. Expenses of a civil nature, both domestic and foreign,	\$ 1,260,000
2. Military and naval establishments, according to the estimates of those two departments, and including the additional permanent appropriations for the purchase of arms, and for Indian annuities, viz:	
Army (including 32,000 dollars for the militia)	\$ 2,581,000
Arsenals, arms and ordinance,	614,000
Naval department,	2,500,000
Indian department,	220,000
	<hr/> 5,915,000
3. Interest on the public debt,	2,225,000
	<hr/>
Amounting together, to	\$ 9,400,000

and exceeding by 1,200,000 dollars the probable amount of receipts. This deficit may be paid out of the sum of three millions of dollars in the treasury. But under existing circumstances, it does not seem eligible to exhaust that fund; and the estimate of receipts being also liable to more than usual uncertainty, the propriety of authorising a loan sufficient to supply that difference, and to defray such other extraordinary expenses as may be incurred during the year, is respectfully submitted.

It must at the same time be observed, that the sum of 9,400,000 dollars thus stated as the amount of current expenses for the year 1812, includes in fact a portion of extraordinary expenses arising from the present state of affairs. For if the military and naval expenditure had been estimated at a sum not exceeding the amount actually expended for those objects during the year ending on the 30th of September 1811, that is to say, at 4,400,000, instead of 5,900,000 dollars, the estimate of receipts would exceed that of current expenses.

The disbursements on account of the naval establishment have amounted in the year ending on	
30th September 1810, to	\$ 1,675,000
And in the year ending on 30th September 1811, to	2,136,000
They are estimated for the year 1812, at	2,500,000

The disbursements on account of the military establishment have amounted in the year ending on	
30th September 1810, to	\$ 2,309,000
And in the year ending on 30th September 1811, to	2,129,000
They are estimated for the year 1812, at	3,195,000

But the detailed annual estimates of the year 1812, will show that they are predicated on the employment of almost the whole naval force, and of the whole military establishment of the United States, as authorised by law, covering, besides several other items, all the expenses of more than 17,000 effective men in the land and sea service.

With respect to the payments on account of the principal of the debt, it is evident that an authority to borrow a sum equal to that which will be reimbursed during the year 1812, will be necessary. The payments which, according to law, must be made during that year, on that account consists of

1. Annual reimbursement of six per cent. and deferred stocks,	\$ 1,570,000
2. Reimbursement of the residue of the converted stock	565,318 41
Amounting together, to	\$ 2,135,318 41

This sum, and that payable for interest, amounting together to 4,360,000 dollars, leave in order to complete the annual appropriation of eight millions, a balance of 3,640,000 dollars, which can be applied in no other manner than in purchases of stock at the prices limited by law. The amount which may be thus applied, is therefore uncertain.

PUBLIC DEBT.

It appears that the payments on account of the principal of the public debt will, from the 1st of October 1810, to the 31st December 1811, have exceeded six millions four hundred thousand dol-

part. With the exception of the annual reimbursement of the six per cent. and deferred stocks, there will remain at the end of the year 1811 no other portion of the public debt reimbursable at the will of the United States, than the residue of converted stock amounting, as above stated, to 565,000 dollars, and which will be paid in the year 1812. There being nothing afterwards left, on which the laws passed subsequent to the year 1801, for the redemption of the debt can operate, a general view of the result and effect of those laws, will now be presented.

Exclusively of near three millions of unfunded debt, since reimbursed, as detailed in the report of 18th April 1808, the public debt of the United States amounted on the 1st of April 1801, to

\$ 79,924,999

as will appear by statement (D.)

The whole amount of principal extinguished during the period of ten years and nine months, commencing on the 1st of April 1801, and ending on the 31st December 1811, exceeds forty six millions of dollars, viz:

Foreign debt paid in full, - - - \$ 10,075,004

Eight per cent. five and a half per cent.

four and a half per cent. and navy

six per cent. stocks, and temporary

loans due on the 1st of April 1801,

to the Bank of the United States, all

paid in full, - - -

12,657,700

Six per cent. and deferred stocks, includ-

ing the exchange stock reimbursed, - - -

20,820,744

Three per cent. stock including con-

verted stock reimbursed, - - -

2,379,269

Registered debt, and debt due to foreign

officers, - - -

90,093

46,022,810

Leaving the amount of old debt unre-

deemed on 1st January, 1812, - - -

33,904,189

And consisting of the following species,

viz:

Six per cent. and deferred stocks unre-

deemed, amount - - -

\$ 17,067,096

Three per cent. stock 16,157,890

Converted do. 565,318

16,723,208

1796 six per cent. stock, - - -

80,000

Registered debt, and debt due to fo-

reign officers, - - -

33,885

33,904,189

Amount brought forward	\$ 33,224,189
And to which adding the Louisiana six per cent. stock,	11,250,000
being a new debt contracted subsequent to the 1st of April 1801,	
Make the whole amount of public debt on the 1st of January 1812,	\$ 44,474,189
The annual interest on the public debt due on the 1st of April 1801, amounted to	\$ 4,180,463
The annual interest on the public debt extinguished between the 1st April 1801, and the 1st January 1812, amounts to	2,632,982
Leaving for the amount of annual interest on the old debt unredeemed on 1st January 1812;	1,547,481
The annual interest on the Louisiana stock is	575,000
Making the annual interest on the whole due on 1st January 1812,	2,322,481
Which subtracted from the annual interest on the debt due on 1st April 1801,	4,180,463
Leaves for the difference between the amount of interest respectively payable at these two dates,	\$ 1,967,942

The disposable national revenue, or that portion which alone is applicable to defray the annual national expenses, consists only of the surplus of the gross amount of revenue collected, beyond the amount necessary for paying the interest on the public debt. A diminution of that interest is, with respect to the ability of defraying the other annual expenses, a positive increase of revenue to the same amount. With an equal amount of gross revenue, the revenue applicable to defray the national expenses is now, by the effect of the reduction of the debt, two millions six hundred thousand dollars greater than on the 1st day of April, 1801. Or if another view of the subject be thought more correct, the laws for the reduction of debt have in ten years and nine months enabled the United States to pay in full the purchase money of Louisiana, and increased their revenue near two millions of dollars.

If the amount of annual payments on account of both the principal and interest of the public debt, during the last eight years, be contrasted with the payments hereafter necessary for the same purpose, the difference will be still more striking. Eight millions of dollars have been annually paid on that account during those eight years. The whole amount payable after the year 1812, including the annual reimbursement on the six per cent. and deferred stocks, is 3,792,382 dollars, making an annual difference of more than four millions two hundred thousand dollars, which will be liberated from that appropriation. And this annual payment of about three millions eight hundred thousand dollars, would have been sufficient, with some small variations, to discharge in ten years the whole

of the residue of the existing debt, with the exception of the three per cent. stock, the annual interest on which amounts only to 485,000 dollars. The aspect of the foreign relations of the United States forbids, however, the hope of seeing the work completed within that short period.

The redemption of principal has been effected without the aid of any internal taxes, either direct or indirect, without any addition during the last seven years to the rate of duties on importations, which on the contrary have been impaired by the repeal of that on salt, and notwithstanding the great diminution of commerce during the last four years. It therefore proves decisively the ability of the United States, with their ordinary revenue, to discharge in ten years of peace a debt of forty-two millions of dollars, a fact which considerably lessens the weight of the most formidable objection to which that revenue, depending almost solely on commerce, appears to be liable. In time of peace it is almost sufficient to defray the expenses of a war: in time of war, it is hardly competent to support the expenses of a peace establishment. Sinking at once under adverse circumstances from fifteen to six or eight millions of dollars, it is only by a persevering application of the surplus, which it affords in years of prosperity, to the discharge of the debt, that a total change in the system of taxation, or a perpetual accumulation of debt can be avoided. But if a similar application of such surplus be hereafter strictly adhered to, forty millions of debt contracted during five or six years of war, may always, without any extraordinary exertions, be reimbursed in ten years of peace. This view of the subject has, at the present crisis, appeared necessary, for the purpose of distinctly pointing out one of the principal resources within the reach of the United States. But to be placed on a solid foundation, it requires the aid of a revenue "sufficient at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized."

Provision for the ensuing years.

The revenue is derived from two sources, the duties on importations, and the sales of public lands.

The net revenue arising from duties on merchandise and tonnage, which accrued during the year 1809, amounted to - \$ 6,527,168

The net revenue arising from the same sources, which accrued during the year 1810, amounted, to - \$ 12,513,490

The same revenue for the year 1811, is estimated, as has already been stated, at - \$ 7,500,000

A portion of the revenue of this year having been collected on British merchandise imported before the prohibition took effect, the permanent revenue, arising from duties on tonnage and merchandise, will not probably at their present rate, and under existing circumstances, exceed - \$ 6,000,000

The sales of public lands north of the river Ohio, have, during the year ending on the 30th September, 1811, amounted to 207,000 acres, and the payments by purchasers to 600,000 dollars. It has already been stated, that those payments, on the average of the two last years, amount, after deducting the expenses and charges on that fund, to the annual sum of \$ 600,000

The sales in the Mississippi Territory being in the first instance appropriated to the payment of 1,250,000 dollars to the state of Georgia, are distinctly stated.

The permanent revenue, or annual receipts after the year 1812, calculated on the existing state of affairs, may therefore be estimated at \$ 6,600,000

Which, deducted from the annual expenditures, calculated on the same principle, and amounting by the preceding estimates for the year 1812, to 9,200,000

Leaves a deficiency to be provided for of \$ 2,600,000

An addition of fifty per cent. to the present amount of duties (together with a continuance of the temporary duties heretofore designated by the name of "Mediterranean Fund") will be sufficient to supply that deficiency, and is respectfully submitted. This mode appears preferable for the present to any internal tax. With respect to the sales of public lands, besides affording a supplementary fund for the ultimate redemption of the public debt, they may, without any diminution of revenue, be usefully applied as a bounty to soldiers enlisting in the regular service, and in facilitating the terms of loans. But it does not appear, that the actual receipts into the treasury arising from the sales, can be materially increased, without a reduction in the price; unless it be by an attempt to offer certain portions for sale in the large cities of the Union.

The same amount of revenue would be necessary, and with the aid of loans would, it is believed, be sufficient in case of war. The same increase of duties would, therefore, be equally necessary in that event. Whether it would be sufficient to produce the same amount of revenue as under existing circumstances, cannot at present be determined. Should any deficiency arise, it may be supplied without difficulty by a further increase of duties, by a restoration of that on salt, and by a proper selection of moderate internal taxes. To raise a fixed revenue of only nine millions of dollars, is so much within the compass of the national resources, so much less in proportion than is paid by any other nation, that under any circumstances, it will only require the will of the legislature to effect the object.

The possibility of raising money by loans to the amount which may be wanted, remains to be examined. For the fact, that the United States may easily, in ten years of peace, extinguish a debt of forty-two millions of dollars, does not necessarily imply that they could borrow that sum during a period of war.

In the present state of the world, foreign loans may be considered as nearly unattainable. In that respect, as in all others, the United States must solely rely on their own resources. These have their natural bounds, but are believed to be fully adequate to the support of all the national force that can be usefully and efficiently employed.

The ability and will of the United States faithfully to perform their engagements are universally known; and the terms of loans will in no shape whatever be affected by want of confidence in either. They must however depend, not only on the state of public credit, and on the ability to lend, but also on the existing demand for capital required for other objects. Whatever this may be, the money wanted by the public must be purchased at its market price. Whenever the amount wanted for the service of the year, or the whole amount of stock in the market shall exceed certain limits, it may be expected that legal interest will not be sufficient to obtain the sums required. In that case the most simple and direct is also the cheapest and safest mode. It appears much more eligible to pay at once the difference, either by a premium in lands, or by allowing a higher rate of interest, than to increase the amount of stock created, or to attempt any operation which might injuriously affect the circulating medium of the country. This difficulty, and it is the only serious one which has been anticipated, will not indeed, if analysed, appear very formidable. For, to take an extreme case, and supposing even forty millions of dollars to be borrowed at eight instead of six per cent. a year, the only difference would consist in the additional payment of eight hundred thousand dollars a year, until the principal was reimbursed: a payment inconvenient indeed, and to be avoided if practicable, but inconsiderable if compared either with the effects of other means of raising money, or with some other branches of the public expenditure.

It appears, from the preceding estimates, that nothing more may be strictly wanted for defraying, during the year 1812, the expenses as yet authorized by law than an authority to borrow a sum equal to that which may be reimbursed on account of the principal of the public debt. With a view to the ensuing years, and considering the aspect of public affairs presented by the executive, and the measures of expense which he has recommended, it has been attempted to show:

1. That a fixed revenue of about nine millions of dollars is necessary and sufficient, both under the existing situation of the United States, and in the event of their assuming a different attitude.
2. That an addition to the rate of duties on importations is at present sufficient for that purpose, although in the course of events it may require some aid from other sources of revenue.
3. That a just reliance may be placed on obtaining loans to a con-

siderable amount, for defraying the extraordinary expenses which may be incurred beyond the amount of revenue above stated.

4. That the peace revenue of the United States will be sufficient, without any extraordinary exertions, to discharge in a few years the debt which may be thus necessarily incurred.

All which is respectfully submitted.

ALBERT GALLATIN.

Treasury Department, Nov. 22d, 1811.

(A.)

A STATEMENT

Exhibiting the Amount of Duties which accrued on Merchandises, Tonnage, Passports and Clearances, of Debentures issued on the Exportation of Foreign Merchandises, of Payments for Bounties and Allowances and for Expenses of Collection, during the Years 1809 and 1810.

Years.	DUTIES ON			Debentures issued.	Bounties and Allowances.	Gross Revenue.	Expenses on Collection.	Net Revenue.
	Merchandise.	Tonnage.	Passports and Clearances.					
1809	11,603,071 27	151,983 13	22,660	4,706,608	48,940 18	7,022,166 22	494,998 02	6,527,168 20
1810	16,601,711 71	169,161 24	23,428	3,839,160	2,268 05	(a) 12,952,872 90	439,382 87	12,513,490 03
(a) Gross revenue for the year 1810, . . . 12,952,872 90								
Deduct interest and storage, 30,701 95								
Gross revenue 12,922,170 95								

A STATEMENT of the Amount of American and Foreign Tonnage employed in Foreign Trade, for the year 1810, as taken from the Records of the Treasury.

American Tonnage in Foreign Trade,	Tons, 906,434
Foreign Tonnage,	80,316
Total Amount of Tonnage employed in the Foreign Trade of the United States,	-986,750
Proportion of Foreign Tonnage to the whole amount of Tonnage employed in the Foreign Trade of the United States,	8.1 to 100

TREASURY DEPARTMENT,

Register's Office, Nov. 9, 1811.

JOSEPH NOURSE, Register.

(B.)

A STATEMENT

of the duties which accrued on the principal articles imported from Great Britain and her dependencies, during the year 1810, with an estimate of the debentures issued on the same articles, deducted from a comparison with the whole amount of duties accruing, and debentures issued during the same year on all articles of the same description imported from all countries.

	Ad valorem.	Spirits.	Cotton, Spices and Indigo.	Sundries. a.
Gross amount of duties on articles imported from all countries, dollars,	8,121,337	1,315,085	681,414	283,778
Deduct gross amount of debentures issued on the exportation of such articles,	656,773	33,323	563,601	10,700
Net revenue,	7,464,564	1,281,762	117,813	273,078
Gross amount of duties on such of the same articles as were imported from Great Britain and dependencies,	6,174,510	561,893	192,710	244,244
Deduct estimated amount of debentures on the exportation of such of the said articles as were of British importation,	499,510	14,893	159,710	9,244
Estimated net revenue on articles imported from Great Britain and dependencies,	5,675,000	547,000	33,000	236,000
Net revenue as per statement A, for 1810, Dollars,				12,513,000
Deduct ditto, ditto, on articles imported from Great Britain and dependencies, viz:				
on merchandise ad valorem,				5,675,000
Spirits,				547,000
Spices, indigo and cotton,				33,000
Sundries,				236,000
Net revenue after deducting that arising from British importations, Dollars,				6,491,000
a. Consisting of beer, pewter, anchors, sheet, slit and hoop iron, nails and spikes, paints, lead and manufactures of lead, steel, twine and packthread, glass, coal and fish. Some small items, not exceeding 10,000 dollars, are omitted.				6,022,000

NOTE. Sugar, coffee and molasses, are not included, as the whole quantity wanted for domestic consumption will be supplied from other countries.

(E.)

STATEMENT

*Of receipts and payments at the treasury of the United States, from the 1st October, 1810,
to the 30th September, 1811.*

CASH IN THE TREASURY, SUBJECT TO WARRANT, OCT. 1, 1810.		PAYMENTS ON THE FOLLOWING ACCOUNTS:	
Received for the proceeds of the Customs, - - - - -	12,490,656 14	Civil expenses both foreign & domestic, viz: Civil list proper, - - - - -	620,630 16
Internal revenue 6,319 60		Light house establishment, - - - - -	112,018 76
Direct tax, - - - - -	6,368 87	Marine hospital establishment, - - - - -	88,822 34
Sales of public lands, - - - - -	12,682 47	Invalid pensions, - - - - -	74,674 68
Cents and half cents coined at the mint, - - - - -	767,061 83	Public buildings in Washington, - - - - -	600
Fees on patents, - - - - -	8,463 78	Furniture for the president's house, - - - - -	1000
Public arms sold to states, - - - - -	6,480	Third census, - - - - -	106,699 66
Postage of letters, - - - - -	71,908	Prize money for navy pension fund, - - - - -	7,106 25
Salt works in the Illinois territory, - - - - -	37 70	Mint establishment, - - - - -	28,990 96
Fines, penalties and forfeitures, - - - - -	2,500	Grants and miscellaneous claims, - - - - -	23,036 96
Seamen's wages paid to consuls in foreign countries, - - - - -	11,108 24	Better accommodation of the general post-office, &c., - - - - -	4,700
Payment by an unknown person, through the president of the U. States, - - - - -	2,035	Unclaimed merchandise, - - - - -	224 93
Repayments, - - - - -	250	Surveys of public lands, - - - - -	62,741 70
	168,368 81	Ascertaining land titles in Louisiana, - - - - -	11,486 06
Loan from bank United States, on 31st Dec. 1810, - - - - -	2,750,000	Roads within the state of Ohio, - - - - -	80,167 76
		Roads from Cumberland to the Ohio, - - - - -	19,000
		Roads from the Mississippi to Ohio, - - - - -	6,861 80
		Trading houses with the Indians, - - - - -	200 25
		Contingent expenses of government, - - - - -	36,070 75
		Intercourse with foreign nations, - - - - -	3,975
			3,396
			307,745 77
		<i>Military expenses, viz.</i>	
		Pay, subsistence, clothing, &c. for the army, - - - - -	1,463,000
		Fortification of ports & harbors, - - - - -	165,000
		Ordnance, arms, arsenals, &c., - - - - -	801,000
			2,129,000
		Indian department, - - - - -	142,725
			2,271,725
		<i>NAVY.</i>	
		Repairs and contingencies, - - - - -	542,000
		Ordnance and arms, - - - - -	62,000
		Navy yards, - - - - -	74,000
		Marine corps, - - - - -	251,000
		Pay, provisions and other expenses, - - - - -	1,207,000
			2,136,000
		<i>PUBLIC DEBT.</i>	
		Interest and charges, - - - - -	2,225,800 93
		Principal discharged, - - - - -	5,058,278 82
		Repayment of Loan to bank U. States, - - - - -	2,750,000
			10,034,073 75
		Balance in the treasury, subject to warrant, Sept. 30, 1811, - - - - -	3,947,818 36
Dollars, 10,750,476 09		Dollars, 10,750,476 09	

APPENDIX.

STATE PAPERS.

TREASURY REPORT.

Letter from the chairman of the committee of ways and means, to the secretary of the treasury, in relation to the revenue necessary for the service of the United States for the present and future years; and the ways and means for raising the same: with the answer of the secretary of the treasury thereto.

SIR,

Committee Room, December 9th, 1811.

IN your annual report, prepared in obedience to the act, supplementary to the act, entitled "An act to establish the treasury department," and transmitted to the house of representatives on the 22d ultimo, it is stated, 1st. That to place the financial system of the United States on a solid foundation, it requires the aid of a revenue, sufficient at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized.

That the expenses of the year 1812, calculated on the existing state of affairs, and including the interest on the public debt, will amount to - - \$9,400,000

That the whole amount of actual receipts into the treasury, during the year 1812, may be estimated at - - - - - 8,200,000

Leaving a deficiency [which it is proposed to supply by authorizing a loan] of - - - - - 1,200,000

And that an authority to borrow a sum equal to that which will be reimbursed of the principal of the public debt, during that year, will be necessary, and amounting to not less than - - - - - 2,125,318 41

Making the whole sum, which it is proposed should be provided for by loan, for that year, - - 3,335,318 41

Under this view of the subject, the committee of ways and means have instructed me to inquire of you, whether, according to the principle first above stated, it does not become necessary to
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provide "a fixed revenue," to be received during the year 1812, equal as well to the estimated expenses of that year, and amounting as above stated to \$9,400,000, as also to the interest which will arise on the proposed loan, of \$1,200,000; or otherwise, whether it is proposed to provide for the payment of such interest, out of the money in the treasury at the commencement of that year, or from any other source?

2d. It is stated in your report "that a fixed revenue of about nine millions of dollars is necessary under the existing circumstances of the United States; and that the same amount would be necessary, and with the aid of loans, will, in your opinion, be sufficient, in case of war."

In reference to this state of things, the committee wish you to state whether, as in the event of war increased loans will undoubtedly be required, it will not be necessary to provide an additional and gradually increasing revenue, to pay the interest on such loans?

3d. It is stated in our report "that the permanent revenue, or annual receipts, after the year 1812 (calculated on the existing state of affairs), together with an addition of 50 per cent. on the present amount of duties, may be estimated at nine millions of dollars; and that should any deficiency arise in the event of war, it may be supplied without difficulty by a further increase of duties, by a restoration of that on salt, and by a proper selection of moderate internal taxes."

The committee request that you would favour them with the best opinion which you are able to form (calculated on the event of war) of the probable amount of the receipts from duties; a specification of the increase of duties, which you would think practicable and advisable; an estimate of the amount of that on salt, and such a selection of moderate internal taxes, as you would recommend, with the probable expense of collection; and the amount of net revenue estimated to arise therefrom.

4th. The committee request that you would furnish them, in connexion with your replies to the preceding inquiries, with an estimate of ways and means (calculated on the event of a war) which will provide a revenue sufficient to meet the ordinary expenses of government and provide for the legal reimbursement and interest of the public debt, including the interest of new loans, to the amount at least of ten millions of dollars per annum; accompanied with such a scheme for the reimbursement of the principal of the new loans as you should deem expedient, together with such opinions as you may have formed respecting the terms on which such loans may probably be obtained; also, such further views or information connected with, or touching the foregoing objects of inquiry as you may deem necessary and expedient.

With great respect, I have the honour to be your obedient servant,

E. BACON.

*Honourable Albert Gallatin,
Secretary of the Treasury.*

Letter from the Secretary of the Treasury to the Chairman of the Committee of Ways and Means.

SIR,

Treasury Department, January 10, 1812.

In answer to the first inquiry of the committee of ways and means, relative to the interest arising on the proposed loan of 1,200,000 dollars, necessary to supply the deficiency in the receipts of the year 1812, I beg leave to observe that that item was not included amongst the expenses of that year, because the estimate being made with reference to the expenses alone which had previously been authorized by law, and a considerable proportion of those on account of the public debt falling on the last day of the year, it would not have been necessary in that view of the subject to borrow that sum previous to that day, and the interest would not therefore have become a charge till the year 1813.

With respect to the second inquiry of the committee, it was certainly contemplated, in conformity with the recommendation of the president, whose expressions were adopted in the report, to raise a revenue "sufficient at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized." The sum of about nine millions of dollars was assumed as answering that description for the present, and the expression of "fixed revenue" which had been used in reference to existing circumstances, was inadvertently applied to the case of war. It will undoubtedly be proper, as remarked by the committee, to provide annually an additional and gradually increasing revenue sufficient to pay the interest on the loans required in the event of war. If therefore, the loan for the present year will, according to the suggestions of the committee, amount to ten millions of dollars, the receipts into the treasury to be provided for the year 1813, should, on those data, amount to about 9,600,000 dollars.

The committee ask in the next place, the best opinion which I am able to form of the probable amount of receipts from duties on tonnage and merchandise in the event of war.

As that amount will depend on the extent of the commerce between the United States and nations at peace with them, and on the numbers of the captures respectively made by our own privateers and by the enemy, it is a matter of conjecture and not a subject of calculation; for which reason it was stated in the report that that amount could not at present be determined. Considering the rigorous restrictions laid by France on the commerce of the United States with her own dominions, and other countries under her influence; the dangers to which our commerce with the Baltic and with China will be exposed; the relations of England with Portugal and with Spain; and also that no inconsiderable part of the captures made by our privateers will be sent into foreign ports, a great defalcation in the receipts on duties on imported merchandise must be expected. The amount, under existing laws and cir-

cumstances, has, from correct data, been stated in the annual report at six millions of dollars. It would, in my opinion, be unsafe, in an estimate of ways and means intended to be relied on with certainty, to calculate, in the event of a war, on more than 2,500,000 dollars at the present rate of duties.

To the next inquiry of the committee, respecting the increase of those duties which is thought practicable and advisable, it is answered, without hesitation, that the rate of duties may, in the event of war, be doubled without danger or inconvenience. There will, in such an event, be less danger of smuggling at that rate, than there is now with the existing duties. With that increase the duties will still be much less on an average than those paid on importations in England, France, and most other countries: and they will be collected with more ease to government and less inconvenience to the people, than could be devised to the same amount in any other manner.

A duty on imported salt might now be calculated on at least 3,500,000 bushels; but in time of war cannot be estimated on more than two millions of bushels, producing, at the rate of 20 cents per bushel, - - - - - \$400,000

The duties on tonnage and imported merchandise, including the former duty on salt, and doubling the rate of all the others, would, according to that estimate amount to - - - - - \$5,400,000

To which adding the proceeds of the sales of public lands estimated, as by annual report, at - - - - - 600,000

Makes an aggregate of - - - - - 6,000,000

And leaves a deficiency of - - - - - 3,600,000

In order to complete the net revenue of - - - 9,600,000 wanted for the service of 1813.

On the basis of annual loans of 10,000,000 of dollars during the continuance of the war (which is the sum assumed by the committee, and which, considering the expenses already voted by congress, is not more than will be wanted) and estimating, at the lowest rate, the interest on the loan of 1813, the deficiency for 1814, to be provided for by other resources, will amount to 4,200,000 dollars. The expenses of assessment and collection and incidental losses on the internal taxes, from the proceeds of which this deficiency must be supplied, may be estimated at 15 per cent. In order to produce a net revenue of 4,200,000 dollars, the gross amount of taxes must, therefore, be near five millions of dollars. As the taxes which may be organized during the present session of congress, will not become due till the ensuing year; and as it is sufficiently ascertained from universal experience, that taxes will not produce their full nominal amount the first year they are in operation, it may be relied on, that a gross amount of five millions, intended to produce a net revenue of \$4,200,000, will not yield that sum until the year 1814, nor produce in 1813, more than the required sum

of \$3,600,000. Five millions of dollars will, therefore, be assumed as the gross amount of taxes (including the expenses of assessment and collection, and the incidental losses) necessary to be raised at this time. That sum is calculated to cover the interest on the loans of ten millions a year, wanted for the service of the years 1812 and 1813; leaving the selection of the additional taxes, which may, thereafter, be necessary to provide for the interest of subsequent loans, to be made according to the experience which will be afforded by those two years.

Before I proceed to answer the inquiry of the committee respecting a selection of the internal taxes now necessary, permit me to observe, that it was stated in the annual report of December 10, 1808, that "no internal taxes, either direct or indirect, were contemplated, even in the case of hostilities carried against the two great belligerent powers." An assertion which renders it necessary to show that the prospects then held out was not deceptive, and why it has not been realized.

The balance in the treasury amounted at that time to near fourteen millions of dollars. But aware that that surplus would, in a short time, be expended, and having stated that the revenue was daily decreasing, it was in the same report, proposed "that all the existing duties should be doubled on importations subsequent to the first day of January, 1809." As the net revenue accrued from customs during the three years, 1809, 1810, and 1811, has, without any increase of duties, exceeded \$26,000,000, it follows that if the measure then submitted had been adopted, we should, after making a large deduction for any supposed diminution of consumption, arising from the proposed increase, have had at this time about twenty millions of dollars on hand, a sum greater than the net amount of the proposed internal taxes for four years.

In proportion as the ability to borrow is diminished, the necessity of resorting to taxation is increased. It is therefore also proper to observe, at that time the subject of the renewal of the charter of the bank of the United States had been referred by the senate to the secretary of the treasury, nor had any symptom appeared from which its absolute dissolution without any substitute could have then been anticipated. The renewal in some shape, and on a more extensive scale, was confidently relied on: and, accordingly, in the report made during the same session to the senate, the propriety of increasing the capital of the bank to \$30,000,000 was submitted, with the condition that that institution should, if required, be obliged to lend one half of its capital to the United States. The amount thus loaned might, without any inconvenience, have been increased to twenty millions. And with \$20,000,000 in hand, and loans being secured for 20,000,000 more, without any increase of the stock of the public debt at market, internal taxation would have been unnecessary for at least four years of war, nor any other resources been wanted than an additional annual loan of 5 millions:

a sum sufficiently moderate to be obtained from individuals, and on favourable terms.

These observations are made only in reference to the finances and resources of the general government. Considerations of a different nature have on both these subjects produced a different result, which makes a resort to internal taxes now necessary, and will render loans more difficult to obtain, and their terms less favourable. But the resources of the country remain the same; and if promptly and earnestly brought into action, will be found amply sufficient to meet the present emergency. With respect to internal taxes, the whole amount to be raised is so moderate, when compared either with the population and wealth of the United States, or with the burthens laid on European nations by their governments, that no doubt exists of the ability or will of the people to pay without any real inconvenience, and with cheerfulness, the proposed war taxes. For it is still hoped, that the ordinary *peace* revenue of the United States will be sufficient to reimburse, within a reasonable period, the loans obtained during the war, and that neither a perpetual and increasing public debt, nor a permanent system of ever progressing taxation, shall be entailed on the nation. These evils cannot, however, be otherwise avoided than by the speedy organization of a certain revenue. Delays in that respect, and a reliance on indefinite loans to defray the war expenditure, the ordinary expenses of government, the interest on the loans themselves, would be equally unsafe and ruinous; would in a short time injure public credit, impair the national resources, and ultimately render much heavier and perpetual taxes absolutely necessary.

Of the gross amount of \$5,000,000, to be now provided according to the preceding estimates, by internal taxation, it is respectfully proposed, that 3,000,000 should be raised by direct tax, and 2,000,000 by indirect taxes.

The sum of 3,000,000 will not, considering the increase of population, be a much greater direct tax, than that of 2,000,000 voted in the year 1798. To this permit me to add another view of the subject:

The direct taxes laid by the several states, during the last years of the revolutionary war, were generally more heavy than could be paid with convenience. But during the years 1785 to 1789 an annual direct tax of more than \$200,000 [\$205,189] was raised in Pennsylvania, which was not oppressive, and was paid with great punctuality. The increase of population of that state, between the years 1787 and 1812, is in the ratio of about 4 to 9. A tax of \$450,000 payable in the year 1813 is not higher in proportion to the population alone, and without regard even to the still greater increase of wealth and of circulating medium, than a tax of \$200,000 was in the year 1787. But the quota of Pennsylvania, on a tax of \$3,000,000, will, counting Orleans a state, hardly exceed \$365,000. The proposed tax, will, therefore, so far as relates to

Pennsylvania, be near 20 per cent. lighter, in proportion to the respective population, than that paid during the years 1785 to 1789.

The rule of apportionment, prescribed by the constitution, operates with perhaps as much equality as is practicable, in relation to states not materially differing in wealth and situation. It may therefore, be inferred, that a direct tax which is not greater than Pennsylvania can pay with facility, will not press heavily upon any other of the Atlantic states. It is only in reference to the western states, that the constitutional rule of apportionment, according to the respective number of inhabitants in each state, may be supposed to be unequal. Being at a greater distance from a market, and having, on account of the recent date of their settlements, less accumulated capital, it is certainly true, that they cannot, in proportion to their population, pay as much, or with the same facility, as the Atlantic states. Two considerations will, however, much diminish the weight, if they do not altogether obviate that objection.

1. Of the articles actually consumed in the western states, there are two of general consumption, on which duties are laid, or proposed to be laid, and on which, being articles produced in those states, they will pay nothing or less than the Atlantic states. On salt, they will pay nothing, as the whole quantity consumed there is of domestic origin; and this observation affords an argument in favour of the restoration of the duty on that article, since it will tend to equalize the operation of the direct tax. A considerable part of the sugar those states consume, nearly 7,000,000 of pounds, is also the produce of the maple, and pays no duty. And in time of war, it is probable, that the residue of their consumption will, in a great degree, consist of New Orleans sugar, also duty free.

2. A considerable portion of the direct taxes in those states, is laid on lands owned by persons residing in other states, and will not fall on the inhabitants. It appears by a late official statement, that more than two thirds of the land tax of the state of Ohio, are raised on lands owned by *NON-RESIDENTS*. The portion of the quota of that state, on the United States' direct tax, which will be payable by its inhabitants, will, for that reason alone, be reduced to one third part of the nominal amount of such quota. And although the proportion may not be the same in the other western states, it is well known, that a similar result, though not perhaps to the same extent, will take place in all.

From every view which has been taken of the subject, it satisfactorily appears, that the proposed amount of 3,000,000 is moderate, and cannot be productive of any real inconvenience, provided that the objects on which the tax shall be assessed, be properly selected.

A direct tax may be assessed either on the whole amount of the property or income of the people, or on certain specific objects selected for that purpose. The first mode may, on abstract princi-

ples, be considered as most correct; and a tax laid, in case of selection, on the same articles in all the states, as was done in the direct tax of 1790, is recommended by its uniformity, and supported by respectable authority. It is nevertheless believed, that the systems of taxation respectively adopted by the several states, matured, modified, and improved, as they have been by long experience, will generally be found to be best adapted to the local situation and circumstances of each state; and they are certainly most congenial with the feelings and habits of the people. It is therefore proposed that the direct tax should be laid and assessed in each state, upon the same objects of taxation on which the direct taxes levied under the authority of the state, are laid and assessed.

The attempt made under the former direct tax of the United States to equalize the tax by authorizing a board of commissioners, in each state, to correct the valuations made by the local assessors, was attended with considerable expense, and productive of great delay. In order to obviate this inconvenience, it is proposed that the quota assigned to each state, according to the rule prescribed by the constitution, should be apportioned by law amongst the several counties, towns, or other subdivisions of each state, adopting in each state, where a state tax is now levied, the apportionment of the state tax, whether that be an absolute quota fixed by a previous state law on the county or town, or whether it be only the amount which shall appear to have been last laid on such county by the operation of the general state laws imposing a direct tax; making the apportionment in the state where no state tax is now levied, according to the best information and materials which can be obtained; and authorizing the states respectively to alter the apportionment thus made by law, at any time previous to the day fixed by law for assessing the United States tax on individuals. The whole process of assessment will thereby be reduced to that of assessing the quota of each county town, or other subdivision on the lands and inhabitants of such subdivision. It will be as simple, and may be effected as promptly, and with as little expense, as the assessment of a county tax: and, the objects of taxation being the same, it may be still more facilitated by authorizing an adoption of the state assessment on individuals, whenever it can be obtained from the proper authority.

With respect to indirect taxes, it does not appear necessary to resort to any other than those which had been formerly levied by the United States. As they were in operation during several years, their defects, and the modifications and improvements of which they are susceptible, are better understood than new taxes could be. With some alterations, they may produce the amount now wanted; and it does not appear that any other equally productive could be substituted with any real advantage. The gross amount of those taxes in the year 1801, was nearly one million of dollars. They would, according to the increase of population, and without

any augmentation in their rate, yield now near 1,400,000 dollars. An average increase of about 50 per cent. in the rate would produce the intended gross amount of two millions. But it is believed, that that increase ought not to be the same in all those taxes, and that some are susceptible of greater augmentation or extension than others.

1. *Duties on domestic spirits distilled.* There is not any more eligible object of taxation than ardent spirits; but the mode of taxation is liable to strong objections, particularly with respect to persons who are not professional manufacturers, and who only occasionally distil the produce of their farms. It is, therefore, proposed, that the duties on the quantity of spirits distilled, should be levied only on spirits distilled from foreign materials, at the rate of ten cents per gallon distilled: and on other distilleries employing stills, the aggregate of which shall contain more than four hundred gallons, at the rate of three cents per gallon distilled; and that, instead of a duty on the spirits, or of licenses in proportion to the time employed, other distillers should only pay an annual tax of five dollars for each still solely employed in the distillation of fruit, and of fifteen dollars for each still otherwise employed. This tax may also, without reference to time, be made to vary according to the size of the stills. At those rates, this class of duties is estimated to produce at most 400,000 dollars; and it is intended in that case, that another duty should be levied on the same article, in the shape of licenses to retailers. By the adoption of that mode the expenses of collection will be considerably diminished, penalties for not entering stills will be unnecessary, and they will be confined, with respect to country stills, to the case of clandestine distilling without paying the tax.

2. *Duties on refined sugar.* A duty double of that heretofore laid, viz. at the rate of four cents per pound, is estimated to produce 200,000 dollars. The drawback both of that duty, and of that on the importation of the raw material, to be allowed.

3. *Licenses to retailers.* These are believed to be susceptible of considerable and very proper augmentation and extension. The following rates are estimated to produce 700,000 dollars:

For a license to retail wines,	dolls.	20
do do spirits generally,		20
do do domestic spirits only,		15
do do any other species of foreign merchandise,		10

Tavern keepers, licensed under the authority of any state, and not living in any city, town, village, or within five miles thereof, to be excepted. Every other person who sells wines, foreign spirits or foreign merchandise, otherwise than in the vessel or package of importation; or in the case of dry goods, otherwise than by the piece; and every person who sells domestic spirits in less quantity than thirty gallons, to be considered as a retailer.

IV. *Duties on sales at auction.* These confined to the sales of articles of foreign produce or manufacture, and at the same rate as heretofore, may produce about 50,000 dollars.

V. *Duties upon carriages for the conveyance of persons.* Those duties, adding at the rate of fifty per cent. on the duties formerly raised, are estimated to produce 150,000 dollars.

VI. *Stamp Duties.* An association of ideas, which connects those duties with the attempt of Great Britain to tax America, and which might, with equal propriety, attach odium to the duty on the importation of tea, has rendered their name in some degree unpopular. The great extension of post roads, and the facility of distribution, have however, removed the most substantial objection to which they were liable. They do not appear to be more inconvenient than any other internal tax, and the expenses of collection are less than on any other, being only a commission on the sale and the cost of paper and stamping. At the same rate as heretofore, with the exception of bank notes, on which an increase appears proper (with an option to the banks to pay 1-20th part of their dividends in lieu thereof) they are estimated to produce 500,000 dollars.

RECAPITULATION.

Direct tax, gross amount,	- - -	\$3,000,000
Duties on spirits, and licenses to distillers,	- - -	
gross amount	- - -	\$400,000
Refined sugar, gross amount,	- - -	200,000
Retailed licenses, do.	- - -	700,000
Sales at auction, do.	- - -	50,000
Duties on carriages, do.	- - -	150,000
Stamp duties, do.	- - -	500,000
		<hr/> 2,000,000
Total gross amount,		5,000,000
Deduct expenses of assessment, and collection and losses, estimated at 15 per cent.		750,000
		<hr/>
Net amount estimated for 1814,		\$4,250,000
But are not estimated to yield in 1813, more than		3,600,000
		<hr/>

Most of the internal taxes have been estimated at their *maximum*; but it is hoped that any defalcation from the estimated amount, will be compensated by a diminution in the expenses of collection, which have also been computed at the highest rate.

For the superintendence of those taxes, both direct and indirect, it appears indispensable that the office of commissioner of the revenue should be re-established. For their collection, the former offices of supervisor and inspector, are believed to have been unnecessary and injurious links in the system, and that the expense will be diminished, and the collection and accountability better secured, by the division of the states into convenient collection dis-

fricts, and by the appointment of a collector to each district, who will pay into the treasury, and be immediately accountable to that department in the same manner as the collectors of customs. This arrangement, the greater amount to be collected, and the simplification in the objects and mode of taxation, will, it is hoped, reduce in a short time the expenses of collection of the indirect taxes to $7\frac{1}{2}$ instead of 13 per cent. which they formerly cost, when brought to their highest degree of improvement. In estimating the charges on the direct tax at 15 per cent., 5 per cent. have been allowed for the assessment, 5 per cent. for the collection, and 5 per cent. for losses. This last item is principally on account of losses on *unseated* lands, and on some remote districts of country, and is not susceptible of much reduction. That for assessment may be lessened in those states where the objects of taxation do not require an annual valuation, or where the state or county assessment may be used. The expense of collection proper may be also in some degree lessened in cities and populous districts, and by uniting it with that of the internal taxes. It is, however, necessary that the compensation of the collectors be sufficient to command the services of men properly qualified, and in every respect worthy of the trust.

In performing the ungracious task of pointing out new objects of taxation, those have been submitted which appeared sufficiently productive and least oppressive. The objections to which each, including the increase of duties on importations, is liable, have not been stated; not because I was insensible of them, but because no substitute of any importance was perceived, which was not still more objectionable. Every tax being in some degree an evil, is therefore liable to some objection; and every one taken singly, may, for that reason, be easily combatted. But if the necessity of an additional revenue be admitted, the objections afford no argument why the tax proposed, should be rejected, unless another less inconvenient be substituted. The necessity of such an addition to the revenue has, in the course of this letter, been strongly urged, because it was strongly felt. But with respect to the taxes proposed, the selection is submitted with diffidence; and it will be highly gratifying that some more eligible may be devised.

The last inquiry of the committee relates principally to the terms on which loans, amounting to at least ten millions of dollars per annum, may be obtained, and to the plan proper to be adopted for the reimbursement of such loans.

The terms on which annual loans to that amount may be obtained, can be ascertained only by experiment. Government has never since its organization, obtained considerable loans within the United States, at the rate of six per cent. a year, except from the bank of the United States; and these, on a capital of ten millions, never amounted to seven millions in the whole. In proportion to the amount wanted for the service of the year, and to the increase of stock of the public debt at market, the terms must naturally become less favourable. It must also be recollected, that in addition

to the sum wanted to defray the extraordinary expenses of the war, an annual loan equal to the annual reimbursement of the six per cent. and deferred stocks prescribed by law, will also be required. This, together with the reimbursement of the residue of the converted stock, amounting to 565,000 dollars, will for this year amount, as has been stated in the annual report, to 2,135,000 dollars. As the interest on the existing debt is included in the "current expenses," the loan necessary for the reimbursement of the six per cent. and deferred stocks will, for each subsequent year, amount only to 1,570,000 dollars. The loans for those sums will indeed create no addition to the amount of the debt, but will nevertheless increase the total sum to be annually borrowed. It must also be observed, that if the price of stocks should sink below par, the commissioners of the sinking fund are bound by existing laws to apply the residue of the annual appropriation of eight millions a year to the purchase of stock; and that residue will, this year, amount to 3,640,000 dollars, which in that case must also be borrowed. It is a view of those several considerations, which has created an apprehension that loans to such large amount might not perhaps be obtained on as favourable terms as under other circumstances, and with the powerful assistance of a national bank, had been formerly anticipated. The same view of the subject has most forcibly impressed a conviction of the necessity of an additional revenue. For if further loans be also resorted to for defraying the ordinary expenses and the interest, they must, if at all practicable, be obtained on the most ruinous terms. Excluding that idea, and embracing only the loans which are absolutely necessary, it appears to me more prudent not to limit the rate of interest by law. A discretionary power in that respect is, so far as relates to the executive, altogether ineligible; but is preferable to the risk of leaving the public service unprovided for. It is also for the same reason, requisite that the loans may be made irredeemable for a term not less than ten years.

In a former communication to the committee of ways and means, it was suggested that "*treasury notes*," bearing interest, might to a certain extent be issued, and to that extent diminish the amount to be directly borrowed. The advantage they would have would result from their becoming a part of the circulating medium, and taking, to a certain degree, the place of bank notes. It is evident, however, that for the same reason the issue must be moderate and never exceed the amount which may circulate without depreciation.

The loans necessary for the present year are: 1st, A sum equal to that which may, during the year, be reimbursed on account of the principal of the debt. 2dly, The amount of expenses which have been or may be authorized by congress and are not included in the annual estimates.

The first sum will certainly amount to 2,135,000 dollars, and may be greater if the stock should sink below par.

The second sum cannot yet be stated, since the extent of the expenses which may be authorized is not yet ascertained, and as the estimates for the additional army, already authorized, have not yet been received by the treasury department.

The deficit of 1,200,000 dollars, (on the peace establishment) is not included as absolutely necessary, although its payment will, as stated in the annual report, leave in the treasury a smaller balance than, under existing circumstances, is eligible.

It may be proper to repeat that so long as the public credit is preserved, and a sufficient revenue is provided, no doubts are entertained of the possibility of procuring on loan, the sums wanted to defray the ordinary expenses of a war; and that the apprehensions expressed relate solely to the terms of the loans, to the rate of interest at which they can be obtained.

The reimbursement of the new debt which may be created, must ultimately depend on the respective revenue and expenditure of the United States, after the restoration of peace. No artificial provisions, no appropriations or investments of particular funds in certain persons, no nominal sinking fund, however constructed, will ever reduce a public debt unless the net annual revenue shall exceed the aggregate of the annual expenses, including the interest on the debt. Those who create the debt can only *estimate* what the peace revenue and expenditure will be, and presume that the supposed surplus *will be* faithfully and perseveringly applied to the payment of the principal.

The current or peace expenses have been estimated at nine millions of dollars. Supposing the debt contracted during the war not to exceed fifty millions, and its annual interest to amount to three millions, the aggregate of the peace expenditure would be no more than twelve millions. And as the peace revenue of the United States may at the existing rate of duties be fairly estimated at fifteen millions, there would remain from the first outset a surplus of three millions of dollars applicable to the redemption of the debt. So far therefore as can be now foreseen, there is the strongest reason to believe that the debt thus contracted will be discharged with facility and as speedily as the terms of the loans will permit. Nor does any other plan in that respect appear necessary than to extend the application of the annual appropriation of eight millions, and which is amply sufficient for that purpose, to the payment of interest and reimbursement of the principal of the new debt. No doubt can be entertained of that mode being sufficiently efficacious, since by that plan alone forty six millions of the public debt have been reimbursed during the last eleven years. If the national revenue exceeds the national expense, a simple appropriation for the payment of the principal of the debt, and co-extensive with the object is sufficient, and will infallibly extinguish the debt. If the expense exceeds the revenue, the appropriation of any specific sum and the investment of the interest extinguished, or of any other fund, will prove altogether nu-

gatory; and the national debt will, notwithstanding that apparatus, be annually increased by an amount equal to the deficit in the revenue..

The annual interest on the existing debt amounts to \$2,320,000

And estimating the interest on the new debt at - 3,000,000

The sum which, on the annual appropriation of eight millions, would, at the restoration of peace, be applicable to the payment of principal, is - - - - - 2,780,000

8,000,000

A sum somewhat less than the presumed surplus of three millions, as above stated, and which will be nearly sufficient to reimburse before the year 1823 the whole existing debt of the United States, with the exception of the three per cent. stock. The loans contracted during the war being made irredeemable for at least ten years, the first reimbursement would fall on that year: and the whole of the appropriations of eight millions after deducting 485,000 dollars for the interest of the three per cent. stock, would henceforth be applicable to the payment of the interest and principal of the new debt. The precise period of final extinguishment, and the precise amount of annual payments will depend on the terms of the loans, and on the number of years for which it may be necessary to make each loan irredeemable. But this sketch is sufficient to show, 1st, That no inconvenience will arise in making the loans irredeemable for ten years, since there is not much probability that they could be sooner discharged. 2dly, That the appropriation of eight millions will be sufficient for their final reimbursement. 3dly, That that reimbursement, and that of the whole debt of the United States (the three per cent. stock excepted) will probably be effected within fifteen years after the restoration of peace. It must always be remembered that those estimates are predicated on the supposition that an additional revenue to the amount already stated, will be provided, and that the increase of debt, during the war, will not exceed fifty millions.

In answering the inquiries of the committee on subjects so intimately connected with the most important questions of national concern, it became an imperious duty to represent every circumstance precisely as it was, or appeared to be, and without exaggerating or disguising any of the difficulties which must be encountered.

To understand these to their full extent will afford the best means of overcoming them; and there is none which appears insurmountable or even discouraging. What appears to be of vital importance is, that the crisis should at once be met by the adoption of efficient measures, which will with certainty provide means commensurate with the expense, and by preserving unimpaired, instead of abusing, that public credit on which the public resources so eminently depend, will enable the United States to persevere

in the contest until an honorable peace shall have been obtained.
I have the honour to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

Honourable Ezekiel Bacon,

chairman committee of ways and means.

MESSAGE

From the President of the United States, transmitting copies of certain Documents obtained from John Henry, &c.

March 9th, 1812.—Read and referred to the committee on Foreign Relations, with power to send for persons, papers and records.

*To the Senate and House of
Representatives of the United States.*

I LAY before congress copies of certain documents which remain in the department of state. They prove that, at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British government, through its public minister here, a secret agent of that government was employed in certain states, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and, eventually, in concert with a British force, of destroying the union and forming the eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens, that happy union of these states, which under Divine Providence, is the guaranty of their liberties, their safety, their tranquillity, and their prosperity.

JAMES MADISON.

March 9th, 1812.

DOCUMENTS.

A.

[COPY.]

SIR,

Philadelphia, February 20th, 1812.

Much observation and experience have convinced me, that the injuries and insults with which the United States have been so long and so frequently visited, and which cause their present embarrassment, have been owing to an opinion entertained by foreign states,—“*That in any measure tending to wound their pride, or*

provoke their hostility, the government of this country could never induce a great majority of its citizens to concur." And, as many of the evils which flow from the influence of this opinion on the policy of foreign nations, may be removed by any act that can produce UNANIMITY AMONG ALL PARTIES IN AMERICA, I voluntarily tender to you, sir, such means as I possess towards promoting so desirable and important an object; which if accomplished, cannot fail to extinguish, perhaps for ever, those expectations abroad, which may protract indefinitely an accommodation of existing differences, and check the progress of industry and prosperity in this rising empire.

I have the honour to transmit herewith the documents and correspondence relating to an important mission, in which I was employed by Sir James Craig, the late governor general of the British provinces in North America, in the winter of the year 1809.

The publication of these papers will demonstrate a fact not less valuable than the good already proposed; it will prove that no reliance ought to be placed on the professions of good faith of an administration, which, by a series of disastrous events, has fallen into such hands as a Castlereagh, a Wellesley or a Liverpool: I should rather say, into the hands of the stupid subalterns, to whom the pleasures and the indolence of those ministers have consigned it. In contributing to the good of the United States by an exposition, which cannot (I think) fail to solve and melt all division and disunion among its citizens; I flatter myself with the fond expectation, that when it is made public in England, it will add one great motive to the many that already exist, to induce that nation to withdraw its confidence from MEN, WHOSE POLITICAL CAREER IS A FRUITFUL SOURCE OF INJURY AND EMBARRASSMENT IN AMERICA; OF INJUSTICE AND MISERY IN IRELAND; OF DISTRESS AND APPREHENSION IN ENGLAND; AND CONTEMPT EVERY WHERE.

In making this communication to you, sir, I deem it incumbent on me, distinctly and unequivocally to state, that I adopt no party views; that I have not changed any of my political opinions; that I neither seek nor desire the patronage, nor countenance of any government, nor of any party; and, that in addition to the motives already expressed, I AM INFLUENCED BY A JUST RESENTMENT OF THE PERFIDY AND DISHONOUR OF THOSE WHO FIRST VIOLATED THE CONDITIONS UPON WHICH I RECEIVED THEIR CONFIDENCE; who have injured me, and disappointed the expectations of my friends; and left me no choice, but between a degrading acquiescence in injustice, and a retaliation, which is necessary to secure to me my own respect.

This wound will be felt where it is merited; and if SIR JAMES CRAIG still live, his share of the pain will excite no sympathy among those who are at all in the secret of our connection. I have the honour to be, Sir, your obedient servant, &c. &c.

(Signed)

J. HENRY.

To James Monroe, Esq. Secretary of state,

No. I.—[COPY.]

Mr. Ryland, Secretary to Sir James Craig, Governor General of Canada, to Mr. Henry.

Most secret and confidential.

MY DEAR SIR,

Quebec, 26th January, 1809.

The extraordinary situation of things at this time in the neighbouring states, has suggested to the governor in chief, the idea of employing you on a secret and confidential mission to Boston, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits. *The information and political observations heretofore received from you, were transmitted by his excellency to the secretary of state, who has expressed his particular approbation of them; and there is no doubt that your able execution of such a mission as I have above suggested, would give you claim not only on the governor general, but on his majesty's ministers, which might eventually contribute to your advantage. You will have the goodness therefore to acquaint me, for his excellency's information, whether you could make it convenient to engage in a mission of this nature, and what pecuniary assistance would be requisite to enable you to undertake it without injury to yourself.*

At present it is only necessary for me to add, that the governor would furnish you with a cypher for carrying on your correspondence; and that in case the leading party in any of the states wished to open a communication with this government, their views might be communicated through you. I am, with great truth and regard, my dear sir, your most faithful, humble servant,

(Signed)

HERMAN W. RYLAND.

No II.—[COPY.]

Sir James Craig, Governor General of Canada, to Mr. Henry.

Most secret and confidential.

SIR,

Quebec, 6th February, 1809.

As you have so readily undertaken the service, which I have suggested to you, as being likely to be attended with much benefit to the public interests, I am to request that with your earliest convenience, you will proceed to Boston.

The principal object that I recommend to your attention, is the endeavor to obtain the most accurate information of the true state of affairs in that part of the Union, which from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over, and will indeed probably lead the other eastern states of America in the part that they may take at this important crisis.

I shall not pretend to point out to you the mode by which you will be most likely to obtain this important information; your own judgment and the connections which you may have in the town,

must be your guide. I think it however necessary to put you on your guard against the sanguineness of an aspiring party; the federalists, as I understand, have at all times discovered a leaning to this disposition, and their being under its particular influence at this moment, is the more to be expected from their having no ill founded ground for their hopes of being *nearer the attainment of their object* than they have been for some years past.

In the general terms which I have made use of in describing the object which I recommend to your attention, it is scarcely necessary that I should observe, I include the state of the public opinions, both with regard to their internal politics, and to the probability of a war with England; the comparative strength of the two great parties into which the country is divided, and the views and designs of that which may ultimately prevail.

It has been supposed that if the federalists of the eastern states should be successful in obtaining that decided influence, which may enable them to direct the public opinion, it is not improbable that rather than submit to a continuance of the difficulties and distress to which they are now subject, they will exert that influence to bring about a separation from the general Union. The earliest information on this subject, may be of great consequence to our government, as it may also be, that it should be informed, *how far in such an event they would look up to England for assistance, or be disposed to enter into a connexion with us.*

Although it would be highly inexpedient that you should in any manner appear as an avowed agent, yet if you could contrive to obtain an intimacy with any of the leading party, it may not be improper that you should insinuate, though with great caution, that *if they should wish to enter into any communication with our government through me, you are authorized to receive any such, and will safely transmit it to me;* and as it may not be impossible that they should require some document by which they may be assured that you are really in the situation in which you represent yourself, I inclose a credential to be produced in that view; but I most particularly enjoin and direct that you do not make any use of this paper, unless a desire to that purpose should be expressed, and *unless you see good ground for expecting that the doing so may lead to a more confidential communication than you can otherwise look for.*

In passing through the state of Vermont, you will of course exert your endeavors to procure all the information that the short stay you will probably make there will admit of. You will use your own discretion as to delaying your journey, with this view, more or less in proportion to your prospects of obtaining any information of consequence.

I request to hear from you as frequently as possible; and as letters directed to me might excite suspicion, it may be as well, that you put them under cover to Mr. ———, and as even the addressing letters always to the same person might attract notice, I recom-

mend your sometimes addressing your packet to the chief justice here, or occasionally, though seldom, to Mr. Ryland, but never with the addition of his official description. I am, sir, your most obedient humble servant,

(Signed)

J. H. CRAIG.

No. III.

Copy of the "Credential" given by Sir James Craig to Mr. Henry.

[Seal.]

The bearer, Mr. John Henry, is employed by me, and full confidence may be placed in him for any communication which any person may wish to make to me, *in the business committed to him*. In faith of which, I have given him this under my hand and seal at Quebec, this 6th day of February, 1809.

(Signed)

J. H. CRAIG.

No. IV.

Copies of the Letters from Mr. Henry to Sir James Craig, relating to his mission to the United States, in the year 1809.

No. 1.

Answer to the letter of Mr. Secretary Ryland, proposing the mission, &c.

SIR,

Montreal, Jan. 31, 1809.

I have to acknowledge the favor of your letter, of the 26th inst. written by the desire of his excellency, the governor in chief; and hasten to express through you to his excellency, my readiness to comply with his wishes.

I need not add how very flattering it is to receive from his excellency, the assurance of the approbation of his majesty's secretary of state, for the very humble services that I may have rendered.

If the nature of the service in which I am to be engaged, will require no other disbursements than for my individual expenses, I do not apprehend that these can exceed my private resources.

I shall be ready to take my departure before my instructions can be made out. I have the honor to be, your most obedient servant.

J. H.

No. 2.

To his excellency the governor general, &c. in answer to his letter of instructions, &c. &c.

SIR,

Montreal, Feb. 10, 1809.

I have the honor to acknowledge the receipt of your excellency's letter of instructions, the letter of credence, and the cypher for carrying on my correspondence. I have bestowed much pains upon the cypher, and am, notwithstanding this, deficient in some points, which might enable me to understand it clearly. I have compared the example with my own exemplification of the cypher,

and find a difference in the results; and as the present moment seems favorable to the interference of his majesty's government, in the measures pursued by the federal party in the northern states, and more especially as the assembly of Massachusetts is now in session, I think it better to set forward immediately, than wait for any further explanation of the means of carrying on a secret correspondence, which the frequency of safe private conveyances to Canada will render almost wholly unnecessary. Should it, however, be necessary at any time, I take leave to suggest that the index alone furnishes a very safe and simple mode. In it, there is a number for every letter in the alphabet, and particular numbers for particular phrases; so that when I do not find in the index the particular word I want, I can spell it with the figures which stand opposite to the letters. For example, if I want to say that "troops are at Albany," I find under the letter "T," that number 16 stands for "troops," and number 125 for "Albany." The intervening words "*are at*" I supply by figures corresponding with the letters in these words.

It will be necessary to provide against accident, by addressing the letters to Mr. —, of Montreal, with a small mark on the corner of the envelope, which he will understand. When he receives it, he will then address the inclosure to your excellency, and send it from Montreal by mail. I will be careful not to address your excellency in the body of the letter, nor sign my name to any of them. They will be merely designated by the initials A. B.

If this mode should in any respect appear exceptionable, your excellency will have the goodness to order a more particular explanation of the card. It would reach me in safety inclosed to — Boston. I have the honor to be, with profound respect, your excellency's most obedient servant, &c.

J. H.

No. 3.

SIR,

Burlington, Vermont, Feb. 14, 1809.

I have remained here two days, in order fully to ascertain the progress of the arrangements heretofore made, for organizing an efficient opposition to the general government, as well to become acquainted with the opinions of the leading people, relative to the measures of that party which has the ascendant in the national councils.

On the subject of the embargo laws, there seems to be but one opinion: namely, that they are unnecessary, oppressive and unconstitutional. It must also be observed, that the execution of them is so invidious, as to attract towards the officers of government, the enmity of the people; which is, of course, transferrable to the government itself; so that, in case the state of Massachusetts should take any bold step towards resisting the execution of these laws, it is highly probable, that it may calculate upon the hearty co-operation of the people of Vermont.

I learn that the governor of this state is now visiting the towns in the northern section of it; and makes no secret of his determination, as commander in chief of the militia, to refuse obedience to any command from the general government, which can tend to interrupt the good understanding that prevails between the citizens of Vermont and his majesty's subjects in Canada. It is further intimated, that in case of a war, he will use his influence to preserve this state *neutral*, and resist, with all the force he can command, any attempt to make it a party. I need not add, that, if these resolutions are carried into effect, the state of Vermont may be considered as an ally of Great Britain.

To what extent the sentiments which prevail in this quarter, exist in the neighbouring states, or even in the eastern section of this state, I am not able to conjecture: I only can say, with certainty, that the leading men of the federal party act in concert; and, therefore infer, that a common sentiment pervades the whole body, throughout New England.

I have seen a letter from a gentleman now at Washington, to his correspondent in this place: and as its contents may serve to throw some light on passing events there, I shall send either the original or a copy with this despatch. The writer of the letter is a man of character and veracity; and whether competent or not to form correct opinions himself, is probably within the reach of all the knowledge that can be obtained by the party to which he belongs.

It appears by his statement that there is a very formidable majority in congress on the side of the administration; notwithstanding which, there is every reason to hope that the northern states, in their distinct capacity, will unite and resist by force, a war with Great Britain. In what mode this resistance will first show itself, is probably not yet determined upon; and may, in some measure, depend upon the reliance that the leading men may place upon assurances of support from his majesty's representative in Canada; and as I shall be on the spot to tender this whenever the moment arrives that it can be done with effect, there is no doubt that all their measures may be made subordinate to the intentions of his majesty's government. Great pains are taken by the men of talents and intelligence to confirm the fears of the common people, as to the concurrence of the southern democrats in the projects of France; and every thing tends to encourage the belief, that the dissolution of the confederacy will be accelerated by the spirit which now actuate both political parties. I am, &c.

A. B.

No. 4.

SIR,

Windsor, Vermont, Feb. 19, 1809.

My last (No. 3.) was written at Burlington, the principal town in the northern part of the state of Vermont. I am now at the principal town in the eastern section.

The fallacy of men's opinions, when they act under the influence of sensibility and are strongly excited by those hopes which always animate a rising party, led me to doubt the correctness of the opinions which I received in the northern section of this state; which, from its contiguity to Canada and necessary intercourse with Montreal, has a stronger interest in promoting a good understanding with his majesty's government: therefore, since my departure from Burlington, I have sought every favourable occasion of conversing with the democrats on the probable result of the policy adopted by the general government. The difference of opinion is thus expressed:

The federal party declare that, in the event of a war, the state of Vermont will treat separately for itself with Great Britain, and support, to the utmost, the stipulations into which it may enter without any regard to the policy of the general government. The democrats, on the other hand, assert that, in such a case as that contemplated, the people would be nearly divided into equal numbers; one of which would support the government, if it could be done without involving the people in a civil war, but, at all events, would risk every thing in preference to a coalition with Great Britain. This difference of opinion is not to be wholly ascribed to the prejudices of party. The people in the eastern section of Vermont, are not operated upon by the same hopes and fears as those on the borders of the British colony. They are not dependent on Montreal for the sale of their produce, nor the supply of foreign commodities. They are not apprehensive of any serious dangers or inconvenience from a state of war; and although they admit that the governor, council and three fourths of the representation in congress are of the federal party, yet they do not believe that the state would stand alone and resist the national government. They do not, however, deny that should the state of Vermont continue to be represented as it is at present, it would, in all probability, unite with the neighbouring states in any serious plan of resistance to a war, which it might seem expedient to adopt. This, I think, is the safer opinion for you to rely on, if, indeed, reliance ought to be placed on any measure depending upon the will of the rabble, which is ever changing and must ever be marked with ignorance, caprice and inconstancy. As the crisis approaches the difficulty of deciding upon an hazardous alternative will increase; and, unfortunately, there is not in Vermont any man of commanding talents, capable of attracting *general confidence*, of infusing into the people his own spirit, and amidst the confusion of conflicting opinions, dangers and commotion, competent to lead in the path of duty or safety. The governor is an industrious, prudent man, and has more personal influence than any other: but his abilities are not suited to the situation in which a civil war would place him. I am, &c.

A. B.

No. 5.

SIR,

Amherst, New Hampshire, Feb. 23, 1809.

A gentleman going direct to Canada, affords a safe and favourable opportunity of giving you some further account of my progress.

I will not make use of the post offices when I can avoid it; because private occasions supersede the necessity of writing in cypher, and the contempt of decency and principle, which forms part of the morals of the subaltern officers of a democracy, would incline them to break a seal with the same indifference that they break their words, when either curiosity or interest is to be indulged.

I have not had sufficient time nor evidence to enable me to form any opinion for myself of the lengths to which the federal party will carry their opposition to the national government, in the event of a war. Much may be inferred from the result of the elections of governors, which within two months, will be made in the states of Massachusetts, New Hampshire and Rhode Island. From all I know and all I can learn of the general government, I am not apprehensive of an immediate war. The embargo is the favourite measure; and it is probable that other means will be employed to excite England to commit some act of hostility, for the sole purpose of placing the responsibility of war on that country: this I most particularly recommend to the consideration of ministers. The dread of opposition and of the loss of popularity, will certainly keep the ruling party at Washington inactive. They will risk any thing but the loss of power; and they are well aware that their power would pass away with the first calamity which their measures might bring upon the common people; (from whom that power emanates) unless, indeed, they could find a sufficient excuse in the conduct of Great Britain. This impression cannot be too deeply felt by his majesty's ministers; nor too widely spread throughout the British nation. It will furnish a sure guide in every policy that may be adopted towards the United States. I have the honor to be,

A. B.

No. 6.

SIR,

Boston, March 5, 1809.

I am favoured with another opportunity of writing to you by a private conveyance, and think it probable, at this season, that the frequency of these will render it unnecessary to write to you in cypher.

It does not yet appear necessary that I should discover to any person the purpose of my visit to Boston; nor is it probable that I shall be compelled, for the sake of gaining more knowledge of the arrangements of the federal party in these states, to avow myself as a regular authorized agent of the British government, even to

those individuals who would feel equally bound with myself to preserve, with the utmost inscrutability, so important a secret from the public eye. *I have sufficient means of information to enable me to judge of the proper period for offering the co-operation of Great Britain, and opening a correspondence between the governor general of British America and those individuals who, from the part they take in the opposition to the national government, or the influence they may possess in any new order of things that may grow out of the present differences, should be qualified to act on behalf of the northern states.* An apprehension of any such state of things as is pre-supposed by these remarks begins to subside, since it has appeared by the conduct of the general government that it is seriously alarmed at the menacing attitude of the northern states. But although it is believed that there is no probability of an immediate war, yet no doubts are entertained that Mr. Madison will fall upon some new expedient to bring about hostilities. What these may be can only be deduced from what appears to be practicable. A non-intercourse with England and France will probably supersede the embargo; which, by opening with the rest of Europe a partial legitimate commerce, and affording strong temptations to that which is illegal, will expose the vessels to capture, detention and embarrassment; will justify the present policy, and produce such a degree of irritation and resentment, as will enable the government of this country to throw the whole blame and responsibility of war from its own shoulders upon those of the British ministry. If in this the party attached to France should calculate with correctness, and the commerce of New England should greatly suffer, the merchants being injured and discouraged, would not only acquiesce in the restrictive system, but even submit to war. On the other hand, should the small traffic permitted by a non-intercourse law be lucrative and uninterrupted, the people would be clamorous for more, and soon compel the government to restore the friendly relations between the two countries.

While I offer my opinion upon this subject, I cannot but express a strong hope, that if any terms should be proposed by either government to which the other might think proper to accede, that a principal motive to the adjustment of differences, should be understood to arise from the amicable disposition of the eastern states, particularly of the state of Massachusetts. This, as it would increase the popularity of the friends of Great Britain, could not fail to promote her interests. If it could not be done formally and officially, nor in a correspondence between ministers, still, perhaps, the administration in the parliament of Great Britain, might take that ground, and the suggestion would find its way into the papers both in England and America.

It cannot be too frequently repeated, that this country can only be governed and directed by the influence of opinion: As there is nothing permanent in its political institutions, nor are the popu-

lace under any circumstances to be relied on, when measures become inconvenient and burthensome. I will soon write again; and am yours, &c.

A. B.

No. 7.

In Cypher.

SIR,

Boston, March 7th, 1809.

I have now ascertained, with as much accuracy as possible, the course intended to be pursued by the party in Massachusetts that is opposed to the measures and politics of the administration of the general government.

I have already given a decided opinion that a declaration of war is not to be expected: But, contrary to all reasonable calculation, should the congress possess spirit and independence enough, to place their popularity in jeopardy by so strong a measure, the legislature of Massachusetts will give the tone to the neighbouring states; will declare itself permanent, until a new election of members; invite a congress to be composed of delegates from the federal states, and erect a separate government for their common defence and common interest. This congress would probably begin by abrogating the offensive laws and adopting a plan for the maintenance of the power and authority thus assumed. They would, by such an act, be in a condition to make or receive proposals from Great Britain; and I should seize the first moment to open a correspondence with your excellency. Scarce any other aid would be necessary, and perhaps none required, than a few vessels of war, from the Halifax station, to protect the maritime towns from the little navy which is at the disposal of the national government. What permanent connexion between Great Britain and this section of the republic would grow out of a civil commotion, such as might be expected, no person is prepared to describe; but it seems that a strict alliance must result of necessity. At present, the opposition party confine their calculations merely to resistance; and I can assure you that, at this moment, they do not freely entertain the project of withdrawing the eastern states from the Union, finding it a very unpopular topic; although a course of events, such as I have already mentioned, would inevitably produce an incurable alienation of the New England from the southern states.

The truth is, the common people have so long regarded the constitution of the United States with complacency, that they are now only disposed in this quarter to treat it like a truant mistress, whom they would for a time put away on a separate maintenance, but without further and greater provocation would not absolutely repudiate.

It will soon be known in what situation public affairs are to remain until the meeting of the new congress in May; at which time

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also this legislature will again assemble. The two months that intervene will be a period of much anxiety.

In all I have written I have been careful not to make any impression analogous to the enthusiastic confidence entertained by the opposition, nor to the hopes and expectations that animate the friends of an alliance between the northern states and Great Britain.

I have abstracted myself from all the sympathies these are calculated to inspire: Because, notwithstanding that I feel the utmost confidence in the integrity of intention of the leading characters in this political drama, I cannot forget that they derive their power from a giddy inconstant multitude; who, unless in the instance under consideration they form an exception to all general rules and experience, will act inconsistently and absurdly. I am yours, &c.

A. B.

No. 8.

SIR,

Boston, March 9th, 1809.

In my letter, No. 6, I took the liberty to express my opinion of the probable effect of the non-intercourse law, intended to be enacted; and of the mode by which Great Britain may defeat the real intention of the American government in passing it. But as the sort of impunity recommended, might, in its application to every species of commerce that would be carried on, be deemed by Great Britain a greater evil than war itself, a middle course might easily be adopted, which would deprive France of the benefits resulting from an intercourse with America, without in any great degree irritating the maritime states.

The high price of all American produce in France, furnishes a temptation which mercantile avarice will be unable to resist. The consequence is obvious. But if instead of condemning the vessels and cargoes which may be arrested in pursuing this prohibited commerce, they should be compelled to go into a British port, and there permitted to sell them, I think the friends of England in these states would not utter a complaint. Indeed I have no doubt, that if, in the prosecution of a lawful voyage, the British cruisers should treat the American ships in this manner, their owners would in the present state of the European markets, think themselves very fortunate; as it would save them the trouble and expense of landing them in a neutral port, and from thence, reshipping them to England, now the best market in Europe, for the produce of this country. The government of the United States would probably complain, and Bonaparte become peremptory; but even that would only tend to render the opposition in the northern states more resolute, and accelerate the dissolution of the confederacy. The generosity and justice of Great Britain would be extolled, and the commercial states exult in the success of individuals over a government, inimical to commerce, and to whose measures they

can no longer submit with patient acquiescence. The elections are begun; and I presume no vigilance or industry will be remitted to insure the success of the federal party. I am, &c.

A. B.

P. S. Intelligence has reached Boston that a non-intercourse law has actually passed, and that Martinique has surrendered to the British forces.

No. 9.

Boston, March 13, 1809.

SIR,

You will perceive from the accounts that will reach you in the public papers, both from Washington and Massachusetts, that the federalists of the northern states have succeeded in making the Congress believe, that with such an opposition as they would make to the general government, a war must be confined to their own territory, and might be even too much for that government to sustain. The consequence is, that after all the parade and menaces with which the session commenced, it has been suffered to end without carrying into effect any of the plans of the administration, except the interdiction of commercial intercourse with England and France; an event that was anticipated in my former letters.

Under what new circumstances the congress will meet in May, will depend on the state elections, and the changes that may in the mean time take place in Europe. With regard to Great Britain she can scarce mistake her true policy in relation to America. If peace be the first object, every act which can irritate the maritime states ought to be avoided; because the prevailing disposition of these will generally be sufficient to keep the government from hazarding any hostile measure. If a war between America and France be the grand desideratum, something more must be done: An indulgent and conciliatory policy must be adopted, which will leave the democrats without a pretext for hostilities; and Bonaparte, whose passions are too hot for delay, will probably compel this government to decide, which of the two great belligerents is to be its enemy. To bring about a separation of the states, under distinct and independent governments, is an affair of more uncertainty; and however desirable, cannot be affected but by a series of acts and a long continued policy, tending to irritate the southern and conciliate the northern people. The former are an agricultural, the latter a commercial people. The mode of cherishing and depressing either is too obvious to require illustration. This I am aware is an object of much interest in Great Britain; as it would forever secure the integrity of his majesty's possessions on this continent; and make the two governments or whatever number the present confederacy might form into, as useful and as much subject to the influence of Great Britain as her colonies can be rendered. But it is an object only to be attained by slow and circumspect progression; and requires for its consummation more attention to the af-

fairs which agitate and excite parties in this country, than Great Britain has yet bestowed upon it.

An unpopular war, that is, a war produced by the hatred and prejudices of one party, but against the consent of the other party, can alone produce a sudden separation of any section of this country from the common head.

At all events it cannot be necessary to the preservation of peace, that Great Britain should make any great concession at the present moment; more especially as the more important changes that occur in Europe, might render it inconvenient for her to adhere to any stipulations in favour of neutral maritime nations.

Although the non-intercourse law affords but a very partial relief to the people of this country, from the evils of that entire suspension of commerce to which they have reluctantly submitted for some time past, I lament the repeal of the embargo, because it was calculated to accelerate the progress of these states towards a revolution that would have put an end to the only republic that remains to prove, that a government, founded on political equality, can exist in a season of trial and difficulty, or is calculated to ensure either security or happiness to a people. I am, &c.

A. B.

No. 10.

SIR,

Boston, March 29, 1809.

Since my letter of the 13th, nothing has occurred which I thought worthy of a communication.

The last weeks of this month, and the first of April, will be occupied in the election of governors and other executive officers in the New England states.

The federal candidate in New Hampshire is already elected by a majority of about 1000 votes. His competitor was a man of large fortune, extensive connections and inoffensive manners. These account for the smallness of the majority.

In Connecticut no change is necessary, and none is to be apprehended.

In Rhode Island it is of no consequence of what party the governor is a member; as he has neither will nor military power, being merely president of the council.

In Massachusetts it is certain that the federal candidate will succeed.

A few weeks will be sufficient in order to determine the relative strength of parties, and convince Mr. Madison that a war with Great Britain is not a measure upon which he dare venture. Since the plan of an organized opposition to the projects of Mr. Jefferson was put into operation, the whole of the New England states have transferred their political power to his political enemies; and the reason that he has still so many adherents is, that those who consider the only true policy of America to consist in the cultivation

of peace, have still great confidence, that nothing can force him (or his successor, who acts up to his system or rather is governed by it) to consent to war. They consider all the menaces and "dreadful note of preparation" to be a mere finesse, intended only to obtain concessions from England on cheap terms. From every sort of evidence, I confess I am myself of the same opinion; and am fully persuaded that this farce, which has been acting at Washington, will terminate in a full proof of the imbecility and spiritless temper of the actors. A war attempted without the concurrence of both parties, and the general consent of the northern states, which constitute the bone and muscle of the country, must commence without hope, and end in disgrace. It should therefore be the peculiar care of Great Britain to foster divisions between the north and south; and by succeeding in this, she may carry into effect her own projects in Europe, with a total disregard of the resentments of the democrats of this country. I am, &c.

A. B.

No. 11.

Boston, April 13, 1809.

SIR,

I send to Mr. R. a pamphlet, entitled "Suppressed Documents." The notes and comments were written by the gentleman who has written the analysis, which I sent by a former conveyance. These works have greatly contributed to excite the fears of the men of talents and property; who now *prefer the chance of maintaining their party by open resistance, and a final separation*, to an alliance with France, and a war with England. So that, should the government unexpectedly, and contrary to all reasonable calculation, attempt to involve the country in a measure of that nature, I am convinced (now that the elections have all terminated favourably,) that none of the New England states would be a party in it. But as I have repeatedly written, the general government does not seriously entertain any such desire or intention. Had the majority in the New England states continued to approve of the public measures, it is extremely probable that Great Britain would now have to choose between war and concession. But the aspect of things in this respect, is changed; and a war would produce an incurable alienation of the eastern states, and bring the whole country in subordination to the interests of England, whose navy would prescribe and enforce the terms upon which the commercial states should carry, and the agricultural states export their surplus produce. All this is as well known to the democrats as to the other party; therefore, they will avoid a war, at least, until the whole nation is unanimous for it. Still, when we consider of what materials the government is formed, it is impossible to speak with any certainty of their measures. The past administration, in every transaction, presents to the mind only a muddy commixture of folly, weakness and duplicity. The spell by which the nations of Europe has been rendered

inert and inefficient, when they attempted to shake it off, has stretched its shadows across the Atlantic, and made a majority of the people of these states alike blind to duty and to their true interests. I am, &c.

A. B.

No. 12.

Boston, April 26, 1809.

SIR,

Since my letter No. 11, I have had but little to communicate.

I have not yet been able to ascertain with sufficient accuracy, the relative strength of the two parties in the legislative bodies in New England.

In all of these states, however, governors have been elected out of the federal party; and even the southern papers indicate an unexpected augmentation of federal members in the next congress.

The correspondence between Mr. Erskine and the secretary of state, at Washington, you will have seen before this can reach you. It has given much satisfaction to the federal party here, because it promises an exemption from the evil they most feared, (a war with England) and justifies their partiality towards Great Britain; which they maintain, was founded upon a full conviction of her justice, and sincere disposition to preserve peace. Even the democrats affect to be satisfied with it; because, as they insist, it proves the efficacy of the restrictive system of Mr. Jefferson.

But the great benefit that will probably result from it, will be, that Bonaparte may be induced to force this country from her neutral position. Baffled in his attempts to exclude from the continent the manufactures of Great Britain, he will, most likely, confiscate all American property in his dominions and dependencies, and declare war. Nothing could more than this contribute to give influence and stability to the British party. The invidious occurrences of the rebellion would be forgotten in the resentment of the people against France; and they would soon be weaned from that attachment to her, which is founded on the aid that was rendered to separate from the mother country. While Great Britain waits for this natural, I might say necessary, result of the negotiation, would it not be extremely inexpedient to conclude a treaty with the American government. Every sort of evidence and experience prove, that the democrats consider their political ascendancy in a great measure dependent upon the hostile spirit that they can keep alive towards Great Britain; and recent events demonstrate, that their conduct will be predicated upon that conviction; it is, therefore, not to be expected that they will meet, with corresponding feelings, a sincere disposition on the part of England to adjust all matters in dispute. They are at heart mortified and disappointed, to find that Great Britain has been in advance of the French government, in taking advantage of the provisional clauses of the non-intercourse law; and if they show any spirit at the next session of congress towards France, it will be only because they will find Bonaparte deaf

to entreaty and insensible of past favours; or that they may think it safer to float with the tide of public feeling, which will set strongly against him, unless he keep *pari passu* with England, in a conciliatory policy. I am, &c.

A. B.

No. 13.

SIR,

Boston, May 5, 1809.

Although the recent changes that have occurred quiet all apprehension of war, and consequently *lessen all hope of a separation of the states*, I think it necessary to transmit by the mail of each week, a sketch of passing events.

On local politics I have nothing to add; and as the parade that is made in the National Intelligencer, of the sincere disposition of Mr. Madison to preserve amicable relations with Great Britain, is, in my opinion, calculated to awaken vigilance and distrust, rather than inspire confidence, I shall, (having nothing more important to write about) take leave to examine his motives. I am not surprised at his conditional removal of the non-intercourse law with respect to Great Britain; because it was made incumbent on him by the act of congress: but the observations made on his friendly disposition towards Great Britain, is a matter of no little astonishment. The whole tenor of his political life, directly, and unequivocally, contradicts them: his speech on the British treaty in '99: his attempt to pass a law for the confiscation of "British debts" and British property: his commercial resolutions, grounded apparently on an idea of making America useful as a colony to France: his conduct while secretary of state; all, form an assemblage of probabilities, tending to convince me at least, that he does not seriously desire a treaty, in which the rights and pretensions of Great Britain would be fairly recognized. It seems impossible that he should at once divest himself of his habitual animosity and that pride of opinion, which his present situation enables him to indulge; but above all, that he should deprive his friends and supporters of the benefit of those prejudices which have been carefully fostered in the minds of the common people towards England, and which have so materially contributed to invigorate and augment the democratic party. Whatever his real motives may be, it is in this stage of the affair, harmless enough to inquire into the cause of the apparent change. He probably acts under a conviction, that in the present temper of the eastern states a war could not fail to produce a dissolution of the Union; or he may have profited by the mistakes of his predecessor, and is inclined to seize the present opportunity to prove to the world that he is determined to be the president of a nation, rather than the head of a faction; or he has probably gone thus far to remove the impression on the mind of many, that he was under the influence of France in order that he may, with a better grace, and on more tenable grounds, quarrel with Great Britain, in the progress of negotiating a treaty. What-

ever his motives may be, I am very certain his party will not support him in any manly and generous policy. Weak men are sure to temporize when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is inaction. This is the character of the democrats in the northern states. Of those of the south I know but little. I am, &c.

A. B.

No. 14.

Boston, May 25th, 1809.

SIR,

My last was under date of the 5th instant. The unexpected change that has taken place in the feelings of political men in this country, in consequence of Mr. Madison's prompt acceptance of the friendly proposals of Great Britain, has caused a temporary suspension of the conflict of parties, and they both regard him with equal wonder and distrust. They all ascribe his conduct to various motives, but none believe him to be in earnest.

The state of New York has returned to the assembly a majority of federal members. All this proves that an anti-commercial faction cannot rule the northern states. Two months ago the state of New York was not ranked among the states that would adopt the policy of that of Massachusetts; and any favorable change was exceedingly problematical.

I beg leave to suggest, that in the present state of things in this country, my presence can contribute very little to the interests of Great Britain. If Mr. Erskine be sanctioned in all he has conceded, by his majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, to make any attempt to carry into effect the original purposes of my mission. While I think it to be my duty to give this intimation to you, I beg it may be understood that I consider myself entirely at the disposal of his majesty's government; and am, &c.

A. B.

No. 15.

Montreal, June 12, 1809.

SIR,

I have the honor to inform your excellency, that I received through Mr. Secretary Ryland your excellency's commands to return to Canada; and after the delays incident to this season of the year in a journey from Boston, arrived here yesterday.

Your excellency will have seen by the papers of the latest dates from the United States, that a formidable opposition is already organized in congress to the late measures of Mr. Madison; and it is very evident, that if he be sincere in his professions of attachment to Great Britain, his party will abandon him. Sixty-one members have already voted against a resolution to approve of what he has done; and I have no doubt the rest of the democratic party will follow the example as soon as they recover from the astonishment into which his apparent defection has thrown them.

The present hopes of the federalists are founded on the probability of a war with France; but at all events this party is strong and well organized enough to prevent a war with England.

It would be now superfluous to trouble your excellency with an account of the nature and extent of the arrangements made by the federal party, to resist any attempt of the government unfavorable to Great Britain. They were such as do great credit to their ability and principles; and while a judicious policy is observed by Great Britain, secure her interests in America from decay. My fear of inducing a false security on the part of his majesty's government in their efficiency, and eventual success, may have inclined me to refrain from doing them that justice in my former letters, which I willingly take the present occasion to express.

I trust your excellency will ascribe the style and manner of my communications, and the frequent ambiguities introduced in them, as arising from the secrecy necessary to be observed, and my consciousness that you understood my meaning on the most delicate points, without risking a particular explanation.

I lament that no occasion commensurate to my wishes, has permitted me to prove how much I value the confidence of your excellency, and the approbation already expressed by his majesty's minister. I have the honour to be,

I CERTIFY, that the forgoing letters are the same referred to in the letter of H. W. Ryland, Esq. dated May first, 1809, relating to the mission in which I was employed by Sir James Craig, by his letter of instructions, bearing date February 6th, 1809.

(Signed)

JOHN HENRY.

No. V.—[COPY.]

Mr. Ryland to Mr. Henry.

My Dear Sir,

Quebec, 1st May, 1809.

The news we have received this day from the states, will, I imagine, soon bring you back to us, and if you arrive at Montreal by the middle of June, I shall probably have the pleasure of meeting you there, as I am going up with Sir James and a large suite. The last letters received from you are to the 13th April; the whole are now transcribing for the purpose of being sent home, where *they cannot fail of doing you great credit, and I most certainly hope they may eventually contribute to your permanent advantage.* It is not necessary to repeat the assurance that no effort within the compass of my power shall be wanting to this end.

I am cruelly out of spirits at the idea of old England truckling to such a debased, and accursed government, as that of the United States.

I am greatly obliged to you for the trouble you have taken, in procuring the books, though, if Spain fails, I shall scarcely have heart to look into them. I can add no more now, but that I am, most heartily, and affectionately, yours,

H. W. R.

[COPY.]

Mr. Ryland to Mr. Henry.

My Dear Sir,

May 4th, 1809.

You must consider the short letter I wrote to you by the last post as altogether unofficial; but I am now to intimate to you, in a more formal manner, our hope of your speedy return; as the object of your journey seems, for the present, at least, to be at an end. We have London news, by the way of the river, up to the 6th March, which tallies to a day with what we have received by the way of the states. Heartily wishing you a safe and speedy journey back to us, I am, my dear sir, most sincerely, yours,

H. W. R.

Have the goodness to bring my books with you, though I shall have little spirit to look into them unless you bring good news from Spain.

 No. VI.—[COPY.]

Mr. Henry's Memorial to Lord Liverpool, inclosed in a letter to Mr. Peel, of the 13th June, with a copy of that letter.

The undersigned most respectfully submits the following statement and memorial to the Earl of Liverpool;

Long before, and during the administration of your lordship's predecessor, the undersigned bestowed much personal attention to the state of parties, and to the political measures in the United States of America

* * * * *

Soon after the affair of the Chesapeake frigate, when his majesty's governor general of British America had reason to believe that the two countries would be involved in a war, and had submitted to his majesty's ministers the arrangements of the English party in the United States, for an efficient resistance to the general government, which would probably terminate in a separation of the northern states from the general confederacy, he applied to the undersigned to undertake a mission to Boston, where the whole concerns of the opposition were managed. The object of the mission was, to promote and encourage the federal party to resist the measures of the general government; to offer assurances of aid and support from his majesty's government of Canada; and to open a communication between the leading men engaged in that opposition and the governor general, upon such a footing as circumstances might suggest; and finally, to render the plans then in contemplation, subservient to the views of his majesty's government.*

The undersigned undertook the mission, which lasted from the

* Vide the despatches of Sir J. Craig in June, 1808.

month of January to the month of June, inclusive, during which period * * * * *

* * * those public acts and legislative resolutions of the assemblies of Massachusetts and Connecticut were passed, which kept the general government of the United States in check, and deterred it from carrying into execution the measures of hostility with which Great Britain was menaced.

For his services on the occasions herein recited, and the loss of time, and expenses incurred, the undersigned neither sought nor received any compensation, but trusted to the known justice and liberality of his majesty's government, for the reward of services which could not, he humbly conceives, be estimated in pounds, shillings and pence. On the patronage and support which was promised in the letter of Sir J. Craig, under date of the 26th January, 1809, (wherein he gives an assurance "that the former correspondence and political information transmitted by the undersigned, had met with the particular approbation of his majesty's secretary of state; and that his execution of the mission (proposed to be undertaken in that letter) would give him a claim not only on the governor general but on his majesty's ministers,") the undersigned has relied; and now most respectfully claims, in whatever mode the earl of Liverpool may be pleased to adopt.

The undersigned most respectfully takes this occasion to state, that Sir J. Craig promised him an employment in Canada, worth upward of one thousand pounds a year by his letter, (herewith transmitted) under date, 13th September, 1809, which he has just learned has, in consequence of his absence, been given to another person. The undersigned abstains from commenting on this transaction; and most respectfully suggests that the appointment of judge advocate general of the province of Lower Canada, with a salary of five hundred pounds a year, or a consulate in the United States sine curia would be considered by him as a liberal discharge of any obligation that his majesty's government may entertain in relation to his services.

Copy of a letter to Mr. Peel, inclosing the foregoing.

SIR,

I take leave to inclose to you a memorial addressed to the earl of Liverpool, and beg you will have the goodness either to examine the documents in your office or those in my own possession, touching the extent and legitimacy of my claim.

Mr. Ryland, the secretary of Sir J. Craig, is now in London, and from his official knowledge of the transactions and facts, alluded to in the memorial, can give any information required on that subject. I have the honour to be, &c. &c.

(Signed)

J. H.

June 13th, 1811.

No. VII.—[COPY.]

Mr. Peel, Secretary to Lord Liverpool, to Mr. Henry.

SIR,

Downing Street, 28th June, 1811.

I have not failed to lay before the earl of Liverpool the memorial, together with its several inclosures, which was delivered to me a few days since by general Loft, at your desire.

His lordship has directed me to acquaint you, that he has referred to the correspondence in this office of the year 1808, and finds two letters from Sir James Craig, dated 10th April and 5th May, transmitting the correspondence that has passed during your residence in the northern states of America, and expressing his confidence in your ability and judgment; but lord Liverpool has not discovered any wish on the part of Sir James Craig, that your claims for compensation should be referred to this country, nor indeed is allusion made to any kind of arrangement or agreement, that had been made by that officer with you.

Under these circumstances, and had not Sir James Craig determined on his immediate return to England, it would have been lord Liverpool's wish to have referred your memorial to him, as being better enabled to appreciate the ability and success with which you executed a mission undertaken at his desire. Lord Liverpool will however transmit it to Sir James Craig's successor in the government, with an assurance, that from the recommendations he has received in your favour, and the opinion he has formed on your correspondence, he is convinced the public service will be benefited by your active employment in a public situation.

Lord Liverpool will also feel himself bound to give the same assurance to the marquis Wellesley, if there is any probability that it will advance the success of the application which you have made to his lordship. I am, sir, your most obedient humble servant.

(Signed)

ROBERT PEEL,

J. Henry, Esquire, 27, Leicester Square.

No. VIII.

No other answer than a despatch to Sir George Prevost, and the letter marked B.

[COPY.]

Mr. Henry to Mr. Peel.

SIR,

27, Leicester Square, London, 4th September, 1811.

I have just now learned the ultimate decision of my lord Wellesley, relative to the appointment which I was desirous to obtain, and find that the subsisting relations between the two countries forbid the creating a new office in the United States, such as I was solicitous to obtain. In this state of things, I have not a moment to lose in returning to Canada, and have taken my passage in the last

and only ship that sails for Quebec this season. As I have not time to enter de novo into explanations with the gentleman who is in your office; and as I have received assurances from you, in addition to the letter of my lord Liverpool, of the 27th June, that "his lordship would recommend me to the governor of Canada, for the first vacant situation that I would accept," I beg the favour of you, to advise me how I am to get that recommendation, without loss of time. I have the honour to be, &c. &c.

J. H.

[COPY.]—B. No. IX.

Copy of the letter written by Lord Liverpool to Sir George Prevost, furnished to Mr. Henry by the under Secretary of state—original in the despatch to the governor general.

SIR,

Downing Street, 16th September, 1811.

Mr. Henry, who will have the honour of delivering this letter, is the gentleman who addressed to me the memorial, a copy of which I herewith transmit, and to whom the accompanying letter from Mr. Peel was written by my direction.

In compliance with his request, I now fulfil the assurance which I have given, of stating to you my opinion of the ability and judgment which Mr. Henry has manifested on the occasions mentioned in his memorial, and of the benefit the public service might derive from his active employment in any public situation, in which you should think proper to place him. I am, &c.

(Signed)

LIVERPOOL.

Sir George Prevost, Bart.

[COPY.]—No. X.

Mr. Ryland to Mr. Henry.

DEAR HENRY,

Tuesday evening, July 2d, 1811.

It gives me real pleasure to find, that the apprehension I had formed, with respect to the fulfilment of your expectations, is likely to prove erroneous. As every thing which passed relative to your mission was in writing, I think you will do well in submitting to Mr. Peel all the original papers. I, myself, could give no other information relative to the subject, than what they contain, as you and I had no opportunity of any verbal communication respecting it, till after your mission terminated, and I never wrote you a letter in the governor's name which had not previously been submitted to his correction.

The impression I had received of your character and abilities made me anxious to serve you, even before I had the pleasure of a personal acquaintance with you, and the same desire has operated on me ever since; I am therefore, entitled to hope, that any opinion which I may have given you as to your best mode of obtaining an employment under government, will be received with the

same candor that gave rise to it. I think you will do well to persevere as you propose. I have no doubt that every letter from you, which Sir James sent home, will be found in Mr. Peel's office, as the established practice there is, to bind the despatches and inclosures, yearly, up together. Sincerely wishing you every success, I am most faithfully yours,

(Signed)

H. W. RYLAND.

B

Lord Liverpool's Despatch to Sir George Prevost, with its inclosures.

SIR,

Downing Street, September 16th, 1811.

Mr. Henry, who will have the honor of delivering this letter, is the gentleman who addressed to me the memorial, a copy of which I herewith transmit, and to whom the accompanying letter from Mr. Peel was written by my direction.

In compliance with his request, I now fulfil the assurance which I have given of stating to you my opinion of the ability and judgment which Mr. Henry has manifested on the occasions mentioned in his memorial, and of the benefit the public service might derive from his active employment in any public situation in which you should think proper to place him. I am, sir, your most obedient humble servant.

(Signed)

LIVERPOOL.

Accompanying Lord Liverpool's Despatch to Sir George Prevost.

Document No. 1.

Extract of the official letter of Sir James Craig, referred to in the Memorial.

Most secret and confidential.

MY DEAR SIR,

Quebec, 26th January, 1809.

The extraordinary situation of things at this time in the neighboring states, has suggested to the governor in chief, the idea of employing you on a secret and confidential mission, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits.

The information and political observations heretofore received from you were transmitted by his excellency to the Secretary of State, who has expressed his particular approbation of them, and there is no doubt that your able execution of such a mission as I have above suggested, would give you a claim not only on the Governor General, but on his Majesty's ministers, which would eventually contribute to your advantage. At present it is only necessary for me to add, that the governor would furnish you with a cypher for carrying on your correspondence, and in case the leading party in any of the states

wished to open a communication with this government, their views might be communicated through you. I am, &c.

(Signed) HERMAN W. RYLAND.
To John Henry, Esq.

Accompanying Lord Liverpool's Despatch to Sir George Prevost.

Document No. 2.

Extract from general instructions, referred to in the Memorial.

SIR,

Quebec, 6th February, 1809.

As you have so readily undertaken the service which I have suggested to you as likely to be attended with much benefit to the public interests, I am to request that with your earliest convenience you will proceed to Boston.

The principal object that I recommend to your attention is, the endeavour to obtain the most accurate information of the state of affairs in that part of the Union, which, from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over, and will, indeed, probably lead the other eastern states of America in the part that they may take at this important crisis. I shall not pretend to point out to you the mode by which you will be likely to obtain this important information. Your own judgment and the connexions which you have formed must be your guide.

In the general terms which I have made use of, to describe the objects which I recommend to your attention, it is scarcely necessary to observe, that I include the state of public opinion, both with regard to the internal politics and the probability of a war with England. The comparative strength and views of the two great parties into which the country is divided; and the views and designs of that which may ultimately prevail.

If the federalists of the eastern states should be successful in obtaining that decided influence which may enable them to direct the public opinion, it is not impossible that rather than submit to a continuance of the difficulties and distress to which they are now subject they will exert that influence to bring about a *separation from the general union*. The earliest information on this subject, may be of great consequence to our government, as it may also that it should be informed how far they would in such an event look up to England for assistance and be disposed to enter into a connexion with us. These I leave to your judgment and discretion.

(Signed)

J. H. CRAIG.

[The letter of instructions is long. The above are the principal points in it, except as to secrecy.]

Copy of Mr. Henry's Memorial accompanying Lord Liverpool's Despatch.

To the right honorable the Earl of Liverpool, the undersigned most respectfully submits the following Memorial.

Long before, and during the administration of your Lordship's predecessor, the undersigned bestowed much personal attention to the state of parties and political measures in the United States of America; and had an * opportunity

and to write the

the information transmitted by the undersigned to Sir James Craig, and by him to Lord Castlereagh, *met with his Lordship's approbation*;† and when the hostile preparations in the United States suggested to Sir James Craig the necessity of making corresponding arrangements of precaution and defence for the security of his majesty's colonies, he applied to the undersigned to undertake a secret and confidential mission to the northern states, to

the party already mentioned, to direct their operations, and transmit regular information of the same, and to endeavor to render their plans subservient to the interests of Great Britain. The undersigned readily undertook the mission, and spent five months in the active and zealous discharge of the duties connected with it

which deterred the general government from the purpose already mentioned, and from a coalition with France;|| while the information which he transmitted to Sir James Craig probably saved the trouble and expense of arming the Canadian militia. All this the undersigned performed without ever showing his commission, or appearing as an authorized agent, from a thorough conviction, that a discovery of his mission would furnish the French party with the means of destroying the influence of the party adhering to Great Britain, in every quarter of America, and enable the general government to go to war upon popular and tenable ground.

In the application of Sir James Craig to the undersigned, to undertake the mission aforesaid, he says, "*The information and*

* See the letters of Mr. Henry addressed to the Secretary of Sir James Craig, and by him transmitted to lord ———, in the month of April, 1808.

† See document No. 1, herewith submitted.

‡ See documents No. 1 and 2, herewith submitted.

§ See letter No. 1, of the series transmitted by Sir James Craig to the colonial department, under date Feb. 14, 1809.

|| See the remainder of the aforesaid series of letters.

*political observations received from you heretofore were all transmitted to the Secretary of State, who has expressed his particular approbation of them, and there is no doubt that your able execution of such a mission as I have above suggested, would give you a claim not only on the governor general, (of British America) but on his Majesty's ministers, &c.**

The undersigned being now in England, on his private affairs, and on the eve of departure for America, most humbly and respectfully submits his claims, under the stipulations aforesaid, to the earl of Liverpool, in the confident expectation that his lordship will treat them with that justice and liberality, which upon investigation, they may be found to merit.

It may not be superfluous to add, that the undersigned has never received, in any shape whatever, any compensation or patronage for the services he has rendered. This fact, Mr. Ryland, the secretary of Sir James Craig, now in London, can vouch for; as well as for the truth of all the matters set forth in this memorial. I have the honor, &c.

(Signed)

J. HENRY.

27 Leicester Square, June 23d, 1811.

[COPY.]

Mr. Peel to Mr. Henry, accompanying lord Liverpool's despatch to Sir George Prevost.

SIR,

Downing Street, 28th June, 1811.

I have not failed to lay before the earl of Liverpool the memorial, together with its several inclosures, which was delivered to me a few days since by general Loft, at your desire.

His lordship has directed me to acquaint you in reply, that he has referred to the correspondence in this office, of the year 1808, and finds two letters from Sir James Craig, dated 10th April and 5th May, transmitting the correspondence that had passed during your residence in the northern states of America, and expressing his confidence in your ability and judgment; but lord Liverpool has not discovered any wish, on the part of Sir James Craig, that your claims for compensation should be referred to this country; nor indeed, is allusion made to any kind of arrangement or agreement that had been made by that officer with you. Under these circumstances, and had not Sir James Craig determined on his immediate return to England, it would have been lord Liverpool's wish to have referred your memorial to him, as being better enabled to appreciate the ability and success with which you executed a mission, undertaken at his desire; lord Liverpool will, however, transmit it to Sir James Craig's successor in the government, with an assurance, that from the recommendations he has received in your

* See document No. 1, herewith submitted.

favour, and the opinion he has formed on your correspondence, he is convinced the public service will be benefited by your active employment in a public situation.

Lord Liverpool will also feel himself bound to give the same assurance to the marquis Wellesley, if there is any probability that it will advance the success of the application which you have made to his lordship. I am, &c.

(Signed)

ROBERT PEEL.

Accompanying Lord Liverpool's despatch to Sir George Prevost.

Extracts of letters of recal from the mission, in consequence of the arrangements entered into between Mr. Erskine and the American government.

Quebec, May, 1809.

"The news we have received this day from the United States, will, I imagine, soon bring you back to us. The last letters received from you are to the 13th April. *The whole are now transcribing to be sent home, where they cannot fail of doing you great credit, and, eventually, contribute to your permanent advantage.*"

(Signed)

H. W. RYLAND.

John Henry, Esq.

May 4, 1809.

I am now formally to intimate to you our hope of your return; as the object of your mission seems, for the present at least, to be at an end.

Sincerely wishing you a safe and speedy journey back to us, I am, &c.

(Signed)

H. W. RYLAND, Sec'y.

John Henry, Esq.

The committee of Foreign Relations, to whom was referred the President's Message of the 9th inst. covering copies of certain documents communicated to him by a Mr. John Henry beg leave to report in part,

That, although they did not deem it necessary or proper to go into an investigation of the authenticity of documents communicated to congress on the responsibility of a co-ordinate branch of the government; it may, nevertheless, be satisfactory to the house to be informed, that the original papers, with the evidences relating to them in possession of the Executive, were submitted to their examination, and were such as fully to satisfy the committee of their genuineness.

The circumstances under which the disclosures of Henry were made to the government, involving considerations of political ex-

pediency, have prevented the committee from making those disclosures the basis of any proceeding against him. And from the careful concealment, on his part, of every circumstance which could lead to the discovery and punishment of any individuals within the United States (should there be any such) who were criminally connected with him, no distinct object was presented to the committee by his communication, for the exercise of the power with which they were invested, of sending for persons and papers. On being informed, however, that there was a foreigner in the city of Washington, who lately came to this country, from Europe, with Henry, and was supposed to be in his confidence, the committee thought proper to send for him. His examination, taken under oath and reduced to writing, they herewith submit to the house.

The transaction disclosed by the president's message presents to the minds of the committee conclusive evidence that the British government, at a period of peace, and during the most friendly professions, have been deliberately and perfidiously pursuing measures to divide these states; and to involve our citizens in all the guilt of treason, and the horrors of a civil war. It is not however the intention of the committee to dwell upon a proceeding, which, at all times, and among all nations has been considered as one of the most aggravated character; and which, from the nature of our government, depending on a virtuous union of sentiment, ought to be regarded by us with the deepest abhorrence.

CASE OF THE SCHOONER EXCHANGE.

THIS interesting cause was argued in the Supreme Court of the United States, in February, 1812, by Mr. DALLAS, Attorney of the United States for the district of Pennsylvania, and Mr. PINKNEY, Attorney General of the United States, upon one side, and by Mr. HARE of Philadelphia, and Mr. HARPER of Baltimore, upon the other. The case was this—on the 24th of August 1812, *John McFadon* and *William Greetham*, of the state of Maryland, filed their libel in the district court of the United States, for the district of Pennsylvania, against the *schooner Exchange*, setting forth that they were her sole owners, on the 27th of October 1809, when she sailed from Baltimore, bound to St. Sebastians in Spain. That while lawfully and peaceably pursuing her voyage, she was on the 30th of December 1810, violently and forcibly taken by certain persons, acting under the decrees and orders of Napoleon emperor of the French, out of the custody of the libellants, and their captain and agent, and was disposed of by those persons, or some of them, in violation of the rights of the libellants, and of the

laws of nations in that behalf. That she had been brought into the port of Philadelphia and was then in the jurisdiction of that court, in possession of a certain *Denis M. Begon*, her reputed captain or master. That no sentence or decree of condemnation had been pronounced against her, by any court of competent jurisdiction; but that the property of the libellants in her remained unchanged and in full force. They therefore prayed the usual process of the court to attach the vessel and that she might be restored to them.

Upon this libel the usual process was issued returnable on the 30th of August 1811, which was executed and returned accordingly, but no person appeared to claim the vessel in opposition to the libellants. On the 6th of September the usual proclamation was made for all persons to appear and show cause why the vessel should not be restored to her former owners, but no person appeared.

On the 13th of September, a like proclamation was made, but no appearance was entered.

On the 20th of September, Mr. *Dallas*, the attorney of the United States, for the district of Pennsylvania, appeared, and (at the instance of the executive department of the government of the United States, as it is understood) filed a *suggestion*, to the following effect:

Protesting that he does not know, and does not admit the truth of the allegations contained in the libel, he suggests and gives the court to understand and be informed,

That inasmuch as there exists between the United States of America and Napoleon, emperor of France and king of Italy, &c. &c. a state of peace and amity; the public vessels of his said imperial and royal majesty, conforming to the laws of nations, and laws of the said United States, may freely enter the ports and harbors of the said United States, and at pleasure depart therefrom without seizure, arrest, detention or molestation. That a certain public vessel described and known as the *Balaou*, or vessel, No. 5, belonging to his said imperial and royal majesty, and actually employed in his service under the command of the *Sieur Begon*, upon a voyage from Europe to the Indies, having encountered great stress of weather upon the high seas, was compelled to enter the port of Philadelphia, for refreshment and repairs, about the 22d of July 1811. That having entered the said port from necessity and not voluntarily; having procured the requisite refreshments and repairs, and having conformed in all things to the law of nations, and the laws of the United States, was about to depart from the said port of Philadelphia, and to resume her voyage in the service of his said imperial and royal majesty, when on the 24th of August 1811, she was seized, arrested and detained in pursuance of the process of attachment issued upon the prayer of the libellants. That the said public vessel had not, at any time, been violently and forcibly taken or captured from the libellants, their captain and agent on the high seas as prize of war, or otherwise; but that if the said public vessel, belonging to his said imperial and royal majes-

ty as aforesaid, ever was a vessel navigating under the flag of the United States, and possessed by the libellants, citizens thereof, as in their libel is alleged (which nevertheless the said attorney does not admit) the property of the libellants, in the said vessel was seized and divested, and the same became vested in his imperial and royal majesty, within a port of his empire, or of a country occupied by his arms, out of the jurisdiction of the United States, and of any particular state of the United States, according to the decrees and laws of France, in such case provided. And the said attorney submitting, whether, in consideration of the premises, the court will take cognizance of the cause, respectfully prays that the court will be pleased to order and decree that the process of attachment, heretofore issued, be quashed; that the libel be dismissed with, and that the said public vessel, her costs, tackle, &c. belonging to his said imperial and royal majesty be released, &c. And the said attorney brings hereinto court the original *commission* of the said *Sieur Begon*, &c.

On the 27th of September 1811, the libellants filed their answer to the suggestion of the district attorney, to which they except, because it does not appear to be made for or on behalf, or at the instance of the United States, or any other body politic or person.

They aver that the schooner is not a public vessel belonging to his imperial and royal majesty, but is the private property of the libellants. They deny that she was compelled by stress of weather to enter the port of Philadelphia, or that she came otherwise than voluntarily; and that the property of the libellants in the vessel never was divested, or vested in his imperial and royal majesty within a port of his empire or of a country occupied by his arms.

The district attorney produced the affidavits of the *Sieur Begon* and the French consul verifying the commission of the captain, and stating the fact, that the public vessels of the emperor of France never carry with them any other document or evidence that they belong to him, than his flag, the commission, and the possession of officers.

In the commission, it was stated that the vessel was *armed at Bayonne*.

On the 4th of October 1811, the district judge dismissed the libel with costs, upon the ground that a public armed vessel of a foreign sovereign, in amity with our government is not subject to the ordinary judicial tribunals of the country, so far as regards the question of title by which such sovereign claims to hold the vessel.

From this sentence the libellants appealed to the Circuit Court, where it was reversed, on the 28th of October 1811. The decision of the court was as follows.

WASHINGTON J. This is an appeal from the District Court, in a case of admiralty and maritime jurisdiction. The libel states that the schooner which constitutes the subject of the suit, called the

Exchange, was, on the 27th of October, 1809, the property of the libellants, and was duly registered in their names. That in the same month and year, she was fitted out by the libellants and sailed on a voyage to St. Sebastians, in Spain, and was in December following forcibly seized under certain edicts of the emperor of France, and without the sanction of any sentence of condemnation, disposed of in violation of the rights of the libellants and of the law of nations. That the libellants have never transferred their right to the said vessel, and that she is now within the territory and jurisdiction of the United States and the jurisdiction of the court.

To this libel a suggestion was filed by A. J. Dallas, district attorney of the United States, for this district, setting forth that this vessel, which in the suggestion is called the *Balaou*, No. 5, belonging to the emperor of France and king of Italy, and actually employed in his service, under the command of the *Sieur Bigon*, upon a voyage from Europe to the Indies, having encountered great stress of weather, had been compelled to enter the port of Philadelphia for repairs, and having conformed to the laws of nations and the United States, was about to depart, when she was arrested by the process of the district court. The suggestion then denies that this vessel had been violently captured from the libellants on the high seas as prize or otherwise, but asserts that she was seized and the property in her was divested out of the libellants (if they ever had any in her) and vested in his imperial and royal majesty, in a port of his empire, according to the laws of France. Upon the suggestion of these facts, it is then submitted, whether the court ought to take cognizance of the cause. The replication after excepting to the suggestion as not being made by any person claiming the said vessel, supports the allegations of the libel and negatives those set forth in the suggestion.

An objection is made to the mode of proceeding in this case. It is contended that no person ought to be admitted to contest the right of the libellants, or to interpose in any manner to prevent a decision upon their right, but one who claims the property either for himself, or on behalf of some other, and that the district attorney has not stated in his suggestion that he claims, or even appears for himself, for the United States, for the French emperor, or for any other person.

I understand from the opinion and decree of the judge of the district court, that the district attorney, when he filed the suggestion stated, that he did so at the request of the executive department of the general government, to whom an application and representation had been made by the French minister, containing a protest and denial of the allegations of the libel; and further that the suggestion in this case is substantially agreeable to the form usually practised upon, when the executive department thinks it incumbent on it to give information through the law officer of the district to that court of any matters subject to its judicial cognizance, which come to the knowledge of the executive in the course

of its communications with foreign powers or their agents. I do not feel disposed to disturb this practice, being of opinion that the department of our government charged with the care of our foreign relations should be admitted in some way or other to give such information upon subjects which concern the peace of the nation, or which the executive deems essential for the public good to communicate in this way. The proceeding would certainly have been more regular if the reason of filing the suggestion had been stated on the face of it, as the court would certainly not listen to the impertinent and officious suggestions of any person who might think proper to interfere. But the responsible character attached to the public law officers of the United States' courts, forbids the supposition that they act without authority when they declare the contrary to the court.

In other countries, communications from the government to the courts of admiralty are generally made in the form and with the effect of mandates, which the judge finds himself compelled to obey. Such is not the present condition of any court in the United States, and I trust never will be. If a legal objection to the jurisdiction of the court appears on the face of the record, it will not be denied but that the district attorney, or any other person as an *amicus curiæ* may properly point it out. But if the objection arises from facts not so appearing, the district attorney, thus intrusted to file a suggestion, must establish the facts by proof in the same manner as in ordinary cases between private individuals. Accordingly, that officer has in the present case proceeded to support the allegations of the suggestion by exhibiting the commission of the officer commanding this vessel, granted by the emperor of France, authenticated by the depositions of the commander himself, and of the French vice-consul.

The evidence has been objected to by the appellant's counsel. It is said that the officer found in possession of the vessel ought not to be admitted by his own evidence to justify and maintain that possession, and that the testimony of neither of the witnesses ought to be regarded, because the libellants were denied the privilege of cross examining them. The objection to the competency of the sieur Bigon is certainly not a good one, since he claims no interest whatever in the vessel, and no circumstance has appeared to bring his credit into question. There can be no doubt of the right of the libellants to cross examine these witnesses, and I must presume (even if the presumption were not supported by the declaration of the district judge) that the privilege of cross examining was not denied by the court; because if it had been, an exception would certainly have been taken to the opinion. But if an error of this sort had been committed by that court, it might have been repaired at the trial in this court; yet no attempt was made to examine these or any other witnesses.

The facts which I consider as proved by the evidence in the cause are, that this vessel, called in the libel the *Exchange*, is a public armed vessel, claimed by the emperor of France, in the

possession of an officer duly commissioned by the emperor, sailing under the flag of that nation, and now lying in the port of Philadelphia, and the question of law is: Whether the district court of the United States, for this district, can take cognizance of a libel filed in that court against this vessel, on the part of the original owner, who has never, by any act of his, parted with his right to her? The case is highly important, and has been argued with great ability on both sides.

The general rule of the law of nations, laid down by the counsel for the appellants, is: That whatever goods and effects lie within the extent of a country, or are found there, whether movable or immovable, are subject to the authority and jurisdiction of the courts of that country. The rule—as a general one—is admitted. It is certainly supported by the most respectable authority, and is contradicted by none. But it is contended on the other side, that a public armed vessel, belonging to a foreign prince, which has committed no offence within the jurisdiction of the country where she is found, forms an exception to the rule. This exception is not to be discovered in the writings of any jurist, foreign or domestic, nor does it appear to be founded in the practice of nations, so far as is recollected by the court, or has appeared from the researches of the bar. *Bynkershoek* (who has been roughly handled by the counsel on one side, and highly eulogised on the other, but whom all must admit to be a respectable writer on the laws of nations) in stating the general rule, and for the purpose of negating an exception to, or on account of any supposed privilege which sovereigns might claim, lays it down in the clearest terms, that the goods and effects of a sovereign, whilst they are within a foreign territory, are subject to the laws of that country, and to the jurisdiction of its courts. He considers the privilege of the sovereign to be exempted from the jurisdiction of a foreign tribunal, to be merely personal, and not extending to his goods found there. He proceeds to support this doctrine by the practice of the courts of Holland, at that time amongst the most respectable nations of Europe.—It is true that in many of the cases which he cites, the government interfered and arrested the proceedings; but this only proves that such interference was deemed necessary for reasons of state, to prevent the exercise of jurisdiction by the judicial tribunals, which otherwise would have proceeded in its regular and acknowledged channel. It is said that this author, in his efforts to regulate an exception in favour of a foreign prince, is not supported by any other elementary writer, or by a usage founded on the practice of nations. The answer given to this observation is, I think, a fair one. The doctrine is consistent with the general rule, and has for near a century been pronounced, by this author, as forming a part of the law and practice of nations, and is denied by no writer of respectability, nor by any evidence of a contrary usage. But it is not true that this position has not received the sanction of more modern writers on the law of nations. *Rutherford* is express. He says, “that the right of territory extends the authority of such

laws to all questions which relate to the use or private ownership of such movable goods as are within the territory of the nation, and of such immovable goods as are confessedly a part of its territory, whether its own members only are concerned in these questions or the *collective bodies*, or the individual members of other nations." In other parts of this chapter he explains the term "collective body of the nation," to mean the nation itself, or the sovereign power.

But it is still contended, that though the exemption of the sovereign from the foreign jurisdiction, in relation to his private effects, may be denied by these authorities, still the *public armed vessels* of the same sovereign stand upon different ground, and that their exemption is not controverted by those writers. It is true, that except in some of the cases stated by *Bynkershoek*, where public armed vessels were arrested, this distinction between the public armed vessel and the private property of the sovereign is not noticed. The general expressions of these jurists embrace both public and private vessels; and if the former are entitled to the exception, those who contend for the exception are bound to prove it, supported either by authority, or by strong and unquestionable reasons. How then does this question stand on the ground of reason? what is there in the character of a public armed vessel to withdraw her from the jurisdiction of a foreign court? It is admitted, and such indubitably is the law, that if such a vessel should, within the foreign jurisdiction, do any act which would expose a private vessel to forfeiture, she would not be protected on account of her public character. Why would she not be protected? The answer given by the counsel, who endeavors to maintain the exception, and yet who is compelled to admit this qualification of it, is, because the offence is committed *within the foreign jurisdiction*. Then it follows, that the reason for the exemption is not founded on *the character of the vessel*, but on *the place* where the offence was committed; because the same reason equally applies to a private vessel of the sovereign or of an individual: and if a private vessel would be forfeited, because the offence which produces the forfeiture was committed within the jurisdiction, and would not be forfeited if it were committed elsewhere, and a public armed vessel would equally be forfeited, or not, for the same reason, I should like to know what becomes of the distinction which is attempted between the one vessel and the other? It is true, that offences are in their nature local, unless rendered otherwise by express statute; but if that statute makes no distinction between public armed and private vessels, the locality of the offence would no more protect the one than the other from the jurisdiction of the foreign courts, both being found within the territory of that nation.

How is it with respect to contracts?—It is admitted, that the property of a sovereign, found within a foreign territory, is as much subject to the jurisdiction of the courts of that country, in a matter of contract, as if it had belonged to a private individual.

The goods of a sovereign, found within a foreign territory, may be made liable for liens to which the laws of that country subject them; and I presume it will scarcely be denied, that for repairs done in this state to the public armed vessel of a foreign prince, she may be proceeded against in the admiralty, by the ship carpenter and material men, in the same manner as if she were a merchant vessel. The reason of this cannot be, because the repairs were made within this state; because contracts are, in their nature, transitory. If then, public armed vessels no less than the private property, movable or immovable, of a foreign prince, being within the territories of a foreign country, are subject to the jurisdiction of its courts, not only to answer for offences but in matters of contract, it would seem to follow that the distinction which has been attempted between the public armed vessels and the private armed vessel of a foreign prince is entirely fanciful.

It was said, that to lay the arm of the law upon a public armed vessel of a sovereign prince is an act of hostility. If so, then the admitted cases, where such a vessel may be arrested and subjected to a judicial sentence, cannot be well founded in law; for it never can be allowed to courts of justice to commit acts of hostility against foreign nations. This power, in all countries, belongs to some other department of the government; and although the acts of a court may sometimes be the remote cause of a war, just or unjust, on the part of a foreign nation, yet a power to commit a direct act of hostility can never be properly lodged with that department.

If, then, the exemption of a foreign prince from the jurisdiction of the courts of a country within whose territories his property is found is not to be maintained on the ground of his personal privileges, the character of his property, or the locality of the transaction which becomes the subject of judicial inquiry, I am at a loss for a solid ground for excluding the present case from the jurisdiction of the district court.

I am fully sensible of the delicate nature of the question which is here decided, and I feel cheered by reflecting that the error of my judgment, if I have committed one, can and will be corrected by a superior tribunal; for surely a question of such national importance as this is, ought not, and I hope will not rest upon the decision of this court. I can, at the same time, truly declare, that if I could be so wicked as to decide this case different from the opinion which I must sincerely entertain respecting it, my humble genius and talents would not enable me to give one single reason which my conscience or judgment could approve.

It is, therefore, adjudged, ordered, and decreed:—that the decision of the district court be reversed, and that the decree be remitted to the district court for further proceedings.

From this sentence of reversal the district attorney appealed to the Supreme Court of the United States, where the cause was fully and ably argued.

On the 2d of March 1813, the opinion of the Court, (all the Judges being present) was delivered as follows:

MARSHALL, C. J.—This case involves the very delicate and important inquiry, Whether an American citizen can assert in an American court a title to an armed national vessel found within the waters of the United States.

The question has been considered with an earnest solicitude, that the decision may conform to those principles of the national and municipal law by which it ought to be regulated.

In exploring an unbeaten path, with few, if any, aids from precedents of written law, the court has found it necessary to rely much on general principles, and on a train of reasoning founded on cases in some degree analogous to this.

The jurisdiction of courts is a branch of that which is possessed by the nation as an independent sovereign power.

The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction, and an investment of that sovereignty to the same extent in that power which could impose such restriction.

All exceptions, therefore, to the full and complete power of a nation within its own territories, must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

This consent may be either express or implied. In the latter case, it is less determinate, exposed more to the uncertainties of construction; but, if understood, not less obligatory.

The world being composed of distinct sovereignties, possessing equal rights and equal independence, whose mutual benefit is promoted by intercourse with each other, and by an interchange of those good offices which humanity dictates and its wants require, all sovereigns have consented to a relaxation in practice, in cases under certain peculiar circumstances, of that absolute and complete jurisdiction within their respective territories which sovereignty confers.

This consent may in some instances be tested by common usage, and by common opinion, growing out of that usage.

A nation would justly be considered as violating its faith, although that faith might not be expressly plighted, which should suddenly and without previous notice, exercise its territorial powers in a manner not consonant to the usages and received obligations of the civilized world.

This full and absolute territorial jurisdiction, being alike the attribute of every sovereign, and being incapable of conferring extra-territorial power, would not seem to contemplate foreign sovereigns nor their sovereign rights as its objects. One sovereign being in no respect amenable to another, and being bound by obligations of the highest character not to degrade the dignity of his nation by placing himself or its sovereign right within the

jurisdiction of another, can be supposed to enter a foreign territory only under an express license, or in the confidence that the immunities belonging to his independent sovereign station, though not expressly stipulated, are reserved by implication, and will be extended to him.

This perfect equality and absolute independence of sovereigns, and this common interest impelling them to mutual intercourse, and an interchange of good offices with each other, have given rise to a class of cases in which every sovereign is understood to waive the exercise of a part of that complete exclusive territorial jurisdiction which has been stated to be the attribute of every nation.

1st. One of these is admitted to be the exemption of the person of the sovereign from arrest or detention within a foreign territory.

If he enters that territory with the knowledge and license of its sovereign, that license, although containing no stipulation exempting his person from arrest, is universally understood to imply such stipulation.

Why has the whole civilized world concurred in this construction? The answer cannot be mistaken. A foreign sovereign is not understood as intending to subject himself to a jurisdiction incompatible with his dignity and the dignity of his nation, and it is to avoid this subjection that the license has been obtained. The character to whom it is given, and the object for which it is granted, equally require that it should be construed to impart full security to the person who has obtained it. This security, however, need not be expressed; it is implied from the circumstances of the case.

Should one sovereign enter the territory of another without the consent of that other, expressed or implied, it would present a question which does not appear to be perfectly settled, a decision of which is not necessary to any conclusion to which the court may come in the cause under consideration. If he did not thereby expose himself to the territorial jurisdiction of the sovereign whose dominions he had entered, it would seem to be because all sovereigns implicitly engage not to avail themselves of a power over their equals, which a romantic confidence in their magnanimity has placed in their hands.

2d. A second case, standing on the same principles with the first, is the immunity which all civilized nations allow to foreign ministers.

Whatever may be the principle on which this immunity is established, whether we consider him as in the place of the sovereign he represents, or by a political fiction suppose him to be extra-territorial, and, therefore, in point of law, not within the jurisdiction of the sovereign at whose court he resides; still the immunity itself is granted by the governing power of the nation to which the minister is deputed. This fiction of ex-territoriality could not be erected and supported against the will of the sovereign of the territory. He is supposed to assent to it.

The consent is not expressed. It is true, that in some countries,

and in this among others, a special law is enacted for the case. But the law obviously proceeds on the idea of prescribing the punishment of an act previously unlawful, not of granting to a foreign minister a privilege which he would not otherwise possess.

The assent of the sovereign to the very important and extensive exemptions from territorial jurisdiction which are admitted to attach to foreign ministers, is implied from the considerations that, without such exemption, every sovereign would hazard his own dignity by employing a public minister abroad. His minister would owe temporary and local allegiance to a foreign prince, and would be less competent to the objects of his mission. A sovereign, committing the interests of his nation with a foreign power to the care of a person whom he has selected for that purpose, cannot intend to subject his minister in any degree to that power; and, therefore, a consent to receive him, implies a consent that he shall possess those privileges which his principal intended he should retain: privileges which are essential to the dignity of his sovereign, and to the duties he is bound to perform.

In what cases a minister, by infracting the laws of the country in which he resides, may subject himself to other punishment than will be inflicted by his own sovereign, is an inquiry foreign to the present purpose. If his crimes be such as to render him amenable to the local jurisdiction, it must be because they forfeit the privileges annexed to his character; and the minister, by violating the conditions under which he was received as the representative of a foreign sovereign, has surrendered the immunities granted on those conditions; or, according to the true meaning of the original assent, has ceased to be entitled to them.

3d. A third case in which a sovereign is understood to cede a portion of his territorial jurisdiction is, when he allows the troops of a foreign prince to pass through his dominions.

In such case, without any express declaration waving jurisdiction over the army to which this right of passage has been granted, the sovereign who should attempt to exercise it would certainly be considered as violating his faith. By exercising it, the purpose for which the free passage was granted would be defeated, and a portion of the military force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force. The grant of a free passage therefore implies a waving of all jurisdiction over the troops during their passage, and permits the foreign general to use that discipline and to inflict those punishments which the government of his army may require.

But if, without such express permit, an army should be led through the territories of a foreign prince, might the jurisdiction of the territory be rightfully exercised over the individuals composing this army?

Without doubt, a military force can never gain immunities of any other description than those which war gives, by entering a foreign territory against the will of its sovereign. But if his consent, instead of being expressed by a particular license, be expressed by a general declaration that foreign troops may pass through a specified tract of country, a distinction between such general permit and a particular license is not perceived. It would seem reasonable that every immunity which would be conferred by a special license, would be in like manner conferred by such general permit.

We have seen that a license to pass through a territory implies immunities not expressed, and it is material to inquire why the license itself may not be presumed?

It is obvious that the passage of an army through a foreign territory will probably be at all times inconvenient and injurious, and would often be imminently dangerous to the sovereign through whose dominions it passed. Such a practice would break down some of the most decisive distinctions between peace and war, and would reduce a nation to the necessity of resisting by war an act not absolutely hostile in its character, or of exposing itself to the stratagems and frauds of a power whose integrity might be doubted, and who might enter the country under deceitful pretexts. It is for reasons like these that the general license to foreigners to enter the dominions of a friendly power, is never understood to extend to a military force; and an army marching into the dominions of another sovereign, may justly be considered as committing an act of hostility; and, if not opposed by force, acquires no privilege by its irregular and improper conduct. It may however well be questioned whether any other than the sovereign power of the state be capable of deciding that such military commander is without a license.

But the rule which is applicable to armies, does not appear to be equally applicable to ships of war entering the ports of a friendly power. The injury inseparable from the march of an army through an inhabited country, and the dangers often, indeed generally, attending it, do not ensue from admitting a ship of war, without special license, into a friendly port. A different rule therefore with respect to this species of military force has been generally adopted. If, for reasons of state, the ports of a nation generally, or any particular ports be closed against vessels of war generally, or the vessels of any particular nation, notice is usually given of such determination. If there be no prohibition, the ports of a friendly nation are considered as open to the public ships of all powers with whom it is at peace, and they are supposed to enter such ports and to remain in them while allowed to remain, under the protection of the government of the place.

In almost every instance the treaties between civilized nations contain a stipulation to this effect in favour of vessels driven in by stress of weather or other urgent necessities. In such cases the

sovereign is bound by compact to authorize foreign vessels to enter his ports. The treaty binds him to allow vessels in distress to find refuge and asylum in his ports, and this is a license which he is not at liberty to retract. It would be difficult to assign a reason for withholding from a license thus granted, any immunity from local jurisdiction which would be implied in a special license.

If there be no treaty applicable to the case, and the sovereign, from motives deemed adequate by himself, permits his ports to remain open to the public ships of foreign friendly powers, the conclusion seems irresistible that they enter by his assent. And if they enter by his assent necessarily implied, no just reason is perceived by the court for distinguishing this case from that of vessels which enter by express assent.

In all the cases of exemption which have been reviewed, much has been implied; but the obligation of what was implied has been found equal to the obligation of that which was expressed. Are these reasons for denying the application of this principle to ships of war?

In this part of the subject a difficulty is to be encountered, the seriousness of which is acknowledged, but which the court will not attempt to escape.

Those treaties which provide for the admission and safe departure of public vessels entering a port from stress of weather or other urgent cause, provide in like manner for the private vessels of the nation; and where public vessels enter a port under the general license which is implied merely from the absence of a prohibition, they are, it may be urged, in the same condition with merchant vessels entering the same port for the purposes of trade, who cannot thereby claim any exemption from the jurisdiction of the country. It may be contended, certainly with much plausibility if not correctness, that the same rule and same principle is applicable to public and private ships; and since it is admitted that private ships entering without special license become subject to the local jurisdiction, it is demanded on what authority an exception is made in favour of ships of war?

It is by no means conceded that a private vessel really availing herself of an asylum provided by treaty, and not attempting to trade, would become amenable to the local jurisdiction unless she committed some act forfeiting the protection she claims under compact. On the contrary, motives may be assigned for stipulating and according immunities to vessels in cases of distress, which would not be demanded for or allowed to those which enter voluntarily and for ordinary purposes. On this part of the subject, however, the court does not mean to indicate any opinion. The case itself may possibly occur, and ought not to be prejudged.

Without deciding how far such stipulations in favour of distressed vessels as are usual in treaties, may exempt private ships from the jurisdiction of the place, it may safely be asserted that the whole reasoning upon which such exemption has been implied in

other cases, applies with full force to the exemption of ships of war in this.

"It is impossible to conceive," says Vattel, "that a prince who sends an ambassador or any other minister can have any intention of subjecting him to the authority of a foreign power; and this consideration furnishes an additional argument which completely establishes the independency of a public minister. If it cannot be reasonably presumed that his sovereign means to subject him to the authority of the prince to whom he is sent, the latter, in receiving the minister, consents to admit him on the footing of independency; and thus there exists between the two princes a tacit convention which gives a new force to the natural obligation."

Equally impossible it is to conceive, whatever may be the construction as to private ships, that a prince who stipulates a passage for his troops or an asylum for his ships of war in distress, should mean to subject his army or his navy to the jurisdiction of a foreign sovereign. And if this cannot be presumed, the sovereign of the port must be considered as having conceded the privilege to the extent in which it must have been understood to be asked.

To the court it appears that where, without treaty, the ports of a nation are open to the private and public ships of a friendly power, whose subjects have also liberty without special license to enter the country for business or amusement, a clear distinction is to be drawn between the rights accorded to private individuals or private trading vessels, and those accorded to public armed ships, which constitute a part of the military force of the nation.

The preceding reasoning has maintained the propositions that all exemptions from territorial jurisdiction must be derived from the consent of the sovereign of the territory; that this consent may be implied or expressed; and that when implied its extent must be regulated by the nature of the case and the views under which the parties requiring and conceding it must be supposed to act.

When private individuals of one nation spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other; or when merchant vessels enter for the purposes of trade; it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary or local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have any motive for wishing such exemption. His subjects, thus passing into foreign countries, are not employed by him, nor are they engaged in national pursuits. Consequently there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it. The implied license therefore under which they enter can never be construed to grant such exemption.

But in all respects different is the situation of a public armed ship. She constitutes a part of the military force of her nation; acts under the immediate and direct command of the sovereign; is employed by him in national objects. He has many and powerful motives for preventing those objects from being defeated by the interference of a foreign state. Such interference cannot take place without affecting his power and his dignity. The implied license therefore under which such vessel enters a friendly port, may reasonably be construed, and it seems to the court ought to be construed, as containing an exemption from the jurisdiction of the sovereign within whose territory she claims the rites of hospitality.

Upon these principles, by the unanimous consent of nations, a foreigner is amenable to the laws of the place; but certainly in practice, nations have not yet asserted their jurisdiction over the public armed ships of a foreign sovereign entering a port open for their reception.

Bynkershoek, a jurist of great reputation, has indeed maintained that the property of a foreign sovereign is not distinguishable by any legal exemption from the property of an ordinary individual, and has quoted several cases in which courts have exercised jurisdiction over causes in which a foreign sovereign was made a party defendant.

Without indicating any opinion on this question, it may safely be affirmed that there is a manifest distinction between the private property of the person who happens to be a prince, and that military force which supports the sovereign power, and maintains the dignity and independence of a nation. A prince, by acquiring private property in a foreign country, may possibly be considered as subjecting that property to the territorial jurisdiction; he may be considered as so far laying down the prince and assuming the character of a private individual; but this he cannot be presumed to do with respect to any portion of that armed force which upholds his crown, and the nation he is entrusted to govern.

The only applicable case cited by Bynkershoek is that of the Spanish ships of war seized in Flushing for a debt due from the king of Spain. In that case, the states general interposed; and there is reason to believe, from the manner in which the transaction is stated, that, either by the interference of government, or the decision of the court, the vessels were released.

This case of the Spanish vessels is, it is believed, the only case furnished by the history of the world, of an attempt made by an individual to assert a claim against a foreign prince by seizing the armed vessels of the nation. That this proceeding was once arrested by the government, in a nation which appears to have asserted the power of proceeding in the same manner against the private property of the prince, would seem a feeble argument in support of the universality of the opinion in favour of the exemption claimed for ships of war. The distinction made in our own laws between

public and private ships would appear to proceed from the same opinion.

It seems then to the court to be a principle of public law that national ships of war, entering the port of a friendly power open for their reception, are to be considered as exempted by the consent of that power from its jurisdiction.

Without doubt, the sovereign of the place is capable of destroying this implication. He may claim and exercise jurisdiction either by employing force or by subjecting such vessels to the ordinary tribunals. But until such power be exerted in a manner not to be misunderstood, the sovereign cannot be considered as having imparted to the ordinary tribunals a jurisdiction, which it would be a breach of faith to exercise. Those general statutory provisions therefore which are descriptive of the ordinary jurisdiction of the judicial tribunals, which give an individual whose property has been wrested from him, a right to claim that property in the court of the country in which it is found, ought not, in the opinion of this court, to be so construed as to give them jurisdiction in a case in which the sovereign power has impliedly consented to waive its jurisdiction.

The arguments in favour of this opinion, which have been drawn from the general inability of the judicial power to enforce its decisions in cases of this description, from the consideration that the sovereign power of the nation is alone competent to avenge wrongs committed by a sovereign, that the questions to which such wrongs give birth are rather questions of policy than of law, that they are diplomatic rather than legal discussions, are of great weight and merit serious attention. But the argument has already been drawn to a length which forbids a particular examination of these points.

The principles which have been stated will now be applied to the case at the bar.

In the present state of the evidence and proceedings the *Exchange* must be considered as a vessel which was the property of the libellants, whose claim is repelled by the fact that she is now a national vessel commissioned by, and in the service of the emperor of France. The evidence of this fact is not controverted. But it is contended that it constitutes no bar to an inquiry into the validity of the title by which the emperor holds this vessel. Every person, it is alleged, who is entitled to property brought within the jurisdiction of our courts, has a right to assert his title in those courts, unless there be some law taking his case out of the general rule. It is therefore said to be the right, and if it be the right, it is the duty of the court, to inquire whether this title has been extinguished by an act the validity of which is recognised by national and municipal law.

If the preceding reasoning be correct, the *Exchange*, being a public armed ship in the service of a foreign sovereign with whom the government of the United States is at peace, and having entered an American port open for her reception on the terms on

which ships of war are generally permitted to enter the ports of a friendly power, must be considered as having come into the American territory under an implied promise that while necessarily within it, and demeaning herself in a friendly manner, she should be exempt from the jurisdiction of the country.

If this opinion be correct, there seems to be a necessity for admitting that the fact might be disclosed to the court by the suggestion of the attorney for the United States.

I am directed to deliver it, as the opinion of the Court, that the sentence of the Circuit Court reversing the sentence of the District Court in the case of the Exchange be reversed, and that of the District Court dismissing the libel be affirmed.

